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## Rules, Regulations, Orders

### TITLE 6—AGRICULTURAL CREDIT

#### CHAPTER I—FARM CREDIT ADMINISTRATION

##### PART 51—RULES AND REGULATIONS FOR PRODUCTION CREDIT ASSOCIATIONS PROMULGATED BY ALL PRODUCTION CREDIT CORPORATIONS

##### APPROVAL OF LOANS TO OFFICERS, EMPLOYEES, AND AGENTS; INSPECTIONS

APRIL 25, 1941.

Paragraph (f) § 51.2 of Title 6, Code of Federal Regulations (as amended, 4 F.R. 4805) is amended, effective May 1, 1941, to read as follows:

#### § 51.2 Eligibility.

(f) Loans to directors, officers, employees, and agents of the Farm Credit Administration, the corporation and the association. Loans to a director of the corporation or to an officer (as distinguished from an employee) of the Farm Credit Administration of Washington, D. C., shall be subject to prior approval by the board of directors of the corporation and by the Production Credit Commissioner. Loans to an officer, employee, or agent of the corporation shall be subject to prior approval by the board of directors of the production credit corporation. Loans to a director or officer of the association shall be subject to prior approval by the president of the corporation, or in his absence by another officer designated by him. Similar approval shall be required for loans to a firm or corporation of which any of the aforesaid persons is a member or stockholder, for loans to be used in connection with property in which any such person has a present legal or equitable interest, and for loans to a member of the immediate family of any such person when such person has a pecuniary interest in the loan. No member of the executive committee of an association shall participate in the committees' deliberation upon the application for a loan in which a member of his immediate family has a

pecuniary interest. The term "immediate family" shall include a father, mother, brother, sister, son, daughter, husband, or wife. (Sec. 23, 48 Stat. 261; 12 U.S.C. 1131g)

Section 51.8 of Title 6, Code of Federal Regulations (as amended, 4 F.R. 4805) is amended, effective May 1, 1941, to read as follows:

§ 51.8 Inspections. Inspections or field reports shall be made in accordance with policies approved by the production credit corporation. Inspections shall be made by individuals approved by the corporation for this purpose.

An association officer, employee, or agent shall not be authorized to make an inspection incident to a loan applied for or obtained by a member of his immediate family or in connection with property in which he has a present legal or equitable interest. (See § 51.2 (f) for definition of "immediate family.") (Sec. 23, 48 Stat. 261; 12 U.S.C. 1131g)

Promulgated by all the Production Credit Corporations with the approval of the Governor.

[SEAL]

VERNE SIMMONS,  
Assistant to Production  
Credit Commissioner.

[F. R. Doc. 41-3110; Filed, April 28, 1941; 11:49 a. m.]

### TITLE 16—COMMERCIAL PRACTICES

#### CHAPTER I—FEDERAL TRADE COMMISSION

[Docket No. 4341]

##### PART 3—DIGEST OF CEASE AND DESIST ORDERS

##### IN THE MATTER OF CARLTON MILLS CO., INC.

§ 3.55 Furnishing means and instrumentalities of misrepresentation or deception: § 3.66 (a7) Misbranding or mislabeling—Composition: § 3.66 (d) Misbranding or mislabeling—Nature: § 3.69 (b) (1) Misrepresenting oneself and goods—Goods—Composition: § 3.69 (b) (8) Misrepresenting oneself and goods—Goods—Nature: § 3.96 (a) (4) Using mis-

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*leading name—Goods—Nature.* In connection with offer, etc., in commerce, of respondent's various textile fabrics, among other things, as in order specified, (1) using the words "Persian" or "Persian" or any other words of similar spelling or phonetic sound to designate, describe or in any way refer to any textile fabric which resembles or simulates in appearance, pattern or design the peltry of a Persian Lamb, Karakul or Caracul; (2) representing or implying in any manner that respondent's textile fabrics which resemble or simulate in appearance, pattern or design the peltries of Persian Lambs, are made from the peltries of Persian Lamb, the young of the Karakul breed of sheep, or that garments made therefrom are made from wool taken from such lambs, when they are not made from such wool; and (3) supplying to others any labels or advertising material containing any of the representations banned in order in question; prohibited, subject to saving proviso *re* labeling under Wool Products Labeling Act of 1939 after July 14, 1941. (Sec. 5, 38 Stat. 719, as amended by sec. 3, 52 Stat. 112; 15 U.S.C., Supp. IV, sec. 45b) [Cease and desist order, Carlton Mills Co., Inc., Docket 4341, April 17, 1941]

§ 3.55 *Furnishing means and instrumentalities of misrepresentation or deception:* § 3.66 (d) *Misbranding or mislabeling—Nature:* § 3.96 (a) (4) *Using misleading name—Goods—Nature.* In connection with offer, etc., in commerce, of respondent's various textile fabrics, among other things, as in order specified, using or authorizing the use of the terms (1) "Karagora", "Pelkara", "Bashkara Lamm", or "Kosva-Lam", separately or together with a pictorial design of a lamb or of any other wool-bearing animal, and (2) "Persian Royal", "Rivalamm", "Volgalam", "Persia-laine", "Lam Kurl Persian", "Russkara", "Kurl Kohvar" or "Galykurl"; in connection with any description of or reference to any textile fabric which resembles or simulates in appearance, pattern or design the peltry of a Persian Lamb, Kara-

kul or Caracul; and supplying to others any labels or advertising material containing any of the representations banned in order in question; prohibited, subject to saving proviso *re* labeling under Wool Products Labeling Act of 1939 after July 14, 1941. (Sec. 5, 38 Stat. 719, as amended by sec. 3, 52 Stat. 112; 15 U.S.C., Supp. IV, sec. 45b) [Cease and desist order, Carlton Mills Co., Inc., Docket 4341, April 17, 1941]

§ 3.55 *Furnishing means and instrumentalities of misrepresentation or deception:* § 3.66 (d) *Misbranding or mislabeling—Nature:* § 3.96 (a) (4) *Using misleading name—Goods—Nature.* In connection with offer, etc., in commerce, of respondent's various textile fabrics, among other things as in order specified, (1) using or authorizing the use of labels bearing any pictorial design of a lamb, or of any other wool-bearing animal, in connection with any description of or reference to, any textile fabric which is not made from the wool of the animal so depicted; (2) using the terms "Babelamm", "Lam" or "Lamm" or any other term or terms of similar import or meaning to in any way describe, designate or refer to any fabric or product which is not composed of wool obtained from lambs; and (3) supplying to others any labels or advertising material containing any of the representations banned in order in question; prohibited, subject to the provision, however, as respects matters covered in prohibition (2) hereof, that in the case of fabrics or products composed in part of such wool and in part of other fibers, such terms may be used as descriptive of the wool content if there are used in immediate connection or conjunction therewith, in letters of at least equal size and conspicuousness, words truthfully describing and designating each constituent fiber or material thereof; and subject, also, to saving proviso *re* labeling under Wool Products Labeling Act of 1939 after July 14, 1941. (Sec. 5, 38 Stat. 719, as amended by sec. 3, 52 Stat. 112; 15 U.S.C., Supp. IV, sec. 45b). [Cease and desist order, Carlton Mills Co., Inc., Docket 4341, April 17, 1941]

§ 3.6 (c) *Advertising falsely or misleadingly—Composition of goods:* § 3.55 *Furnishing means and instrumentalities of misrepresentation or deception:* § 3.66 (a) (7) *Misbranding or mislabeling—Composition:* § 3.69 (b) (1) *Misrepresenting oneself and goods—Goods—Composition:* § 3.71 (a) *Neglecting, unfairly or deceptively, to make material disclosure—Composition.* In connection with offer, etc., in commerce, of respondent's various textile fabrics, among other things as in order specified, (1) advertising, offering for sale, or selling fabrics, or products composed in whole or in part of rayon without clearly disclosing the fact that such fabrics or products are composed of rayon; and (2) supplying to others any labels or advertising material containing any of the representations banned in order in question; prohibited,



subject to the provision, however, as respects matters covered in prohibition (1) hereof, that when such fabrics or products are composed in part of rayon and in part of other fibers or material, all of such fibers or materials, including the rayon, shall be set forth in immediate connection with each other in letters of at least equal size and conspicuousness and shall truthfully describe and designate each constituent fiber or material thereof; and subject, also, to saving proviso *re* labeling under Wool Products Labeling Act of 1939 after July 14, 1941. (Sec. 5, 38 Stat. 719, as amended by sec. 3, 52 Stat. 112; 15 U.S.C., Supp. IV, sec. 45b) [Cease and desist order, Carlton Mills Co., Inc., Docket 4341, April 17, 1941]

At a regular session of the Federal Trade Commission, held at its office in the City of Washington, D. C., on the 17th day of April, A. D. 1941.

This proceeding having been heard<sup>1</sup> by the Federal Trade Commission upon the complaint of the Commission, the answer of respondent, and upon a stipulation as to the facts entered into between Robert Mathis, Jr., attorney for the Commission, and I. Arnold Himber, attorney for the respondent, and read into and made a part of the record herein, and the Commission, having made its findings as to the facts and its conclusion that said respondent has violated the provisions of the Federal Trade Commission Act;

*It is ordered*, That the respondent, Carlton Mills Co., Inc., a corporation, its officers, directors, representatives, agents and employees, directly or through any corporate or other device, in connection with the offering for sale, sale and distribution of its various textile fabrics in commerce, as "commerce" is defined in the Federal Trade Commission Act, do forthwith cease and desist from:

(1) Using the words "Persian" or "Pershian" or any other words of similar spelling or phonetic sound to designate, describe or in any way refer to any textile fabric which resembles or simulates in appearance, pattern or design the peltry of a Persian Lamb, Karakul or Caracul;

(2) Using or authorizing the use of the terms "Karagora", "Pelkara", "Bashkara Lamm", or "Kosva-Lam", separately or together with a pictorial design of a lamb or of any other wool-bearing animal, in connection with any description of or reference to any textile fabric which resembles or simulates in appearance, pattern or design the peltry of a Persian Lamb, Karakul or Caracul;

(3) Using or authorizing the use of the terms "Pershian Royal", "Rivalamm", "Volgalamm", "Persia-laine", "Lam Kurl Persian", "Russkara", "Kurl Kohvar" or "Galykurl" in connection with any description of or reference to any textile

fabric which resembles or simulates in appearance, pattern or design the peltry of a Persian Lamb, Karakul or Caracul;

(4) Using or authorizing the use of labels bearing any pictorial design of a lamb, or of any other wool-bearing animal, in connection with any description of, or reference to, any textile fabric which is not made from the wool of the animal so depicted;

(5) Representing or implying in any manner that respondents textile fabrics which resemble or simulate in appearance, pattern or design the peltries of Persian Lambs, are made from the peltries of Persian Lamb, the young of the Karakul breed of sheep; or representing that such garments are made from wool taken from such lambs, when they are not made from such wool;

(6) Using the terms "Babelamm", "Lam" or "Lamm" or any other term or terms of similar import or meaning to in any way describe, designate or refer to any fabric or product which is not composed of wool obtained from lambs: *Provided, however*, That in the case of fabrics or products composed in part of such wool and in part of other fibers, such terms may be used as descriptive of the wool content if there are used in immediate connection or conjunction therewith, in letters of at least equal size and conspicuousness, words truthfully describing and designating each constituent fiber or material thereof;

(7) Advertising, offering for sale, or selling fabrics, or products composed in whole or in part of rayon without clearly disclosing the fact that such fabrics or products are composed of rayon; and when such fabrics or products are composed in part of rayon and in part of other fibers or material, all of such fibers or materials, including the rayon, shall be set forth in immediate connection with each other in letters of at least equal size and conspicuousness and shall truthfully describe and designate each constituent fiber or material thereof;

(8) Supplying to others any labels or advertising material containing any of the representations prohibited herein.

*It is further ordered*, That the respondent shall within sixty (60) days after service upon it of this order file with the Commission a report in writing setting forth in detail the manner and form in which it has complied with this order.

*It is further ordered*, That no provisions contained in this order shall be construed as authorizing or permitting, after July 14, 1941, the labeling of any wool product in any manner other than in strict conformity with the provisions of the "Wool Products Labeling Act of 1939".

By the Commission.

[SEAL]

OTIS B. JOHNSON,  
Secretary.

[F. R. Doc. 41-3076; Filed, April 25, 1941; 1:27 p. m.]

[Docket No. 3768]

PART 3—DIGEST OF CEASE AND DESIST  
ORDERS

IN THE MATTER OF PASCAL COMPANY, INC.

§ 3.6 (t) *Advertising falsely or misleadingly—Qualities or properties of product*: § 3.6 (x) *Advertising falsely or misleadingly—Results*. Representing, in connection with offer, etc., in commerce, of "Breatheasy" or any other substantially similar medicinal preparation, among other things, as in order specified, that said preparation "Breatheasy" is a remedy or cure for chronic bronchitis; for heart disease or cardiac distress; for gastric ulcer; for serum rash, urticaria (hives), eczema, or other skin diseases of the erythematous and eczematous types; for inflammation of the nose, throat, tonsils, larynx or lungs; or for neuralgia or neuritis; or that said preparation constitutes an effective or competent treatment for any of such diseases or disorders; prohibited. (Sec. 5, 38 Stat. 719, as amended by sec. 3, 52 Stat. 112; 15 U.S.C., Supp. IV, sec. 45b) [Cease and desist order, Pascal Company, Inc., Docket 3768, April 19, 1941]

§ 3.6 (t) *Advertising falsely or misleadingly—Qualities or properties of product*: § 3.6 (x) *Advertising falsely or misleadingly—Results*: § 3.6 (y) *Advertising falsely or misleadingly—Safety*: § 3.71 (e) *Neglecting, unfairly or deceptively, to make material disclosure—Safety*. Disseminating, etc., in connection with offer, etc., of "Breatheasy" or any other substantially similar medicinal preparation, among other things, as in order specified, any advertisements by means of the United States mails, or in commerce, or by any means, to induce, etc., directly or indirectly, purchase in commerce, etc., of said medicinal preparation, which advertisements represent, directly or through inference, that said preparation is a cure or remedy for chronic bronchitis, eczema or urticaria (hives) or other skin diseases of the erythematous and eczematous types, or constitutes a competent and effective treatment for any of such disorders; or which advertisements fail to reveal that said medicinal preparation cannot be used with safety by persons suffering from high blood pressure, toxic goiter, diabetes or heart disease; prohibited. (Sec. 5, 38 Stat. 719, as amended by sec. 3, 52 Stat. 112; 15 U.S.C., Supp. IV, sec. 45b) [Cease and desist order, Pascal Company, Inc., Docket 3768, April 19, 1941]

At a regular session of the Federal Trade Commission, held at its office in the City of Washington, D. C., on the 19th day of April, A. D. 1941.

This proceeding having been heard<sup>1</sup> by the Federal Trade Commission upon the complaint of the Commission, the an-

<sup>1</sup> 6 F.R. 60.

<sup>1</sup> 4 F.R. 2194.



swer of respondent, testimony and other evidence taken before John J. Keenan, an examiner of the Commission theretofore duly designated by it, and briefs filed herein (oral argument not having been requested), and the Commission having made its findings as to the facts and its conclusion that said respondent has violated the provisions of the Federal Trade Commission Act;

*It is ordered,* That the respondent, Pascal Company, Inc., a corporation, its officers, representatives, agents and employees, directly or through any corporate or other device, in connection with the offering for sale, sale or distribution in commerce as "commerce" is defined in the Federal Trade Commission Act of a medicinal preparation designated "Breath-easy", or any other medicinal preparation composed of substantially similar ingredients or possessing substantially similar properties, whether sold under the same name or any other name, do forthwith cease and desist from directly or indirectly:

Representing that said preparation "Breath-easy" is a remedy or cure for chronic bronchitis; for heart disease or cardiac distress; for gastric ulcer; for serum rash, urticaria (hives), eczema, or other skin diseases of the erythematous and eczematous types; for inflammation of the nose, throat, tonsils, larynx or lungs; or for neuralgia or neuritis; or that said preparation constitutes an effective or competent treatment for any of such diseases or disorders.

*It is further ordered,* That the respondent, Pascal Company, Inc., a corporation, its officers, representatives, agents and employees, directly or through any corporate or other device, in connection with the offering for sale, sale or distribution of a medicinal preparation designated "Breath-easy", or any other medicinal preparation composed of substantially similar ingredients or possessing substantially similar properties, whether sold under the same name or any other name, do forthwith cease and desist from directly or indirectly:

1. Disseminating or causing to be disseminated any advertisement (a) by means of the United States mails or (b) by any means in commerce, as "commerce" is defined in the Federal Trade Commission Act, which advertisement represents, directly or through inference, that said preparation is a cure or remedy for chronic bronchitis, eczema or urticaria (hives) or other skin diseases of the erythematous and eczematous types, or constitutes a competent and effective treatment for any of such disorders; or which advertisement fails to reveal that said medicinal preparation cannot be used with safety by persons suffering from high blood pressure, toxic goiter, diabetes or heart disease;

2. Disseminating or causing to be disseminated any advertisement by any means for the purpose of inducing or

which is likely to induce, directly or indirectly, the purchase in commerce, as "commerce" is defined in the Federal Trade Commission Act, of said medicinal preparation, which advertisement contains any of the representations prohibited in Paragraph 1 hereof, or which fails to reveal that said medicinal preparation cannot be used with safety by persons suffering from high blood pressure, toxic goiter, diabetes or heart disease.

*It is further ordered,* That the respondent shall, within ten (10) days after service upon it of this order, file with the Commission an interim report in writing, stating whether it intends to comply with this order and if so, the manner and form in which it intends to comply; and that within sixty (60) days after service upon it of this order, said respondent shall file with the Commission a report in writing setting forth in detail the manner and form in which it has complied with this order.

By the Commission.

[SEAL]

OTIS B. JOHNSON,  
Secretary.

[F. R. Doc. 41-3106; Filed April 28, 1941;  
11:42 a. m.]

[Docket No. 4315]

#### PART 3—DIGEST OF CEASE AND DESIST ORDERS

##### IN THE MATTER OF JOHN J. TRACEY COMPANY

§ 3.66 (k) (4) *Misbranding or mislabeling—Source or origin—Place—Domestic product as imported.* In connection with offer, etc., in commerce, of respondent's soap, (1) using the word "English", or any other word or term of similar import and meaning, in any way to refer to or describe soap which is not made in England, and (2) representing in any manner that soap which is made in the United States is made in England or in any country other than the United States, prohibited. (Sec. 5, 38 Stat. 719, as amended by sec. 3, 52 Stat. 112; 15 U.S.C., Supp. IV, sec. 45b) [Cease and desist order, John J. Tracey Company, Docket 4315, April 19, 1941]

At a regular session of the Federal Trade Commission, held at its office in the City of Washington, D. C., on the 19th day of April, A. D. 1941.

This proceeding having been heard by the Federal Trade Commission, upon the complaint of the Commission, the answer of the respondent, and a stipulation as to the facts entered into between the respondent herein and W. T. Kelley, Chief Counsel for the Commission, which provides, among other things, that without further evidence or other intervening procedure, the Commission may issue and serve upon the respondent herein findings as to the facts and conclusion based thereon and an order disposing of the proceedings, and the Commission having made its findings as to the facts

and conclusion that the respondent has violated the provisions of the Federal Trade Commission Act;

*It is ordered,* That the respondent, John J. Tracey Company, a corporation, its officers, representatives, agents and employees, directly or through any corporate or other device, in connection with the offering for sale, sale and distribution of its soap, in commerce, as "commerce" is defined in the Federal Trade Commission Act, do forthwith cease and desist from, directly or indirectly:

1. Using the word "English", or any other word or term of similar import and meaning, in any way to refer to or describe soap which is not made in England.

2. Representing in any manner that soap which is made in the United States is made in England or in any country other than the United States.

*It is further ordered,* That the respondent shall, within sixty (60) days after service upon it of this order, file with the Commission a report in writing, setting forth in detail the manner and form in which it has complied with this order.

By the Commission.

[SEAL]

OTIS B. JOHNSON,  
Secretary.

[F. R. Doc. 41-3107; Filed, April 28, 1941;  
11:42 a. m.]

[Docket No. 4324]

#### PART 3—DIGEST OF CEASE AND DESIST ORDERS

##### IN THE MATTER OF SOMERSVILLE MANUFACTURING COMPANY, ET AL

§ 3.55 *Furnishing means and instrumentalities of misrepresentation or deception:* § 3.66 (a7) *Misbranding or mislabeling—Composition.* In connection with offer, etc., in commerce, of respondents' various textile fabrics, (1) using the words "camel's hair" or "camel" or any other term or terms descriptive of camel's hair on labels, or otherwise, to describe, designate or refer to any fabric or product which is not composed wholly of camel's hair, (2) using any pictorial design of a camel in connection with any description of or reference to fabrics or products in which camel's hair is not the predominating fiber, and (3) representing in any manner that fabrics or products offered for sale or sold by respondents contain camel's hair in greater quantity than is actually the case, prohibited; subject to the provision, however, as respects matter covered in prohibition (1) hereof, that in the case of fabrics or products composed in part of camel's hair and in part of other fibers, such terms may be used as descriptive of the camel's-hair content if there are used in immediate connection or conjunction therewith, in letters of at least equal size and conspicuousness, words truthfully describing and designating each constituent fiber thereof; and subject, also, to saving proviso *re* labeling



under Wool Products Labeling Act of 1939 after July 14, 1941. (Sec. 5, 38 Stat. 719, as amended by sec. 3, 52 Stat. 112; 15 U.S.C., Supp. IV, sec. 45b) [Cease and desist order, Somersville Manufacturing Company, et al., Docket 4324, April 19, 1941]

*In the Matter of Somersville Manufacturing Company, a Corporation, and J. J. O'Donnell and Clinton Ellis, Individually and Trading as O'Donnell and Ellis*

At a regular session of the Federal Trade Commission, held at its office in the City of Washington, D. C., on the 19th day of April, A. D. 1941.

This proceeding having been heard<sup>1</sup> by the Federal Trade Commission upon the complaint of the Commission, the answer of respondents, testimony and other evidence introduced in support of the allegations of said complaint by Robert Mathis, Jr., counsel for the Commission and in opposition thereto by the respondents appearing in their own behalf, before Miles J. Furnas, an examiner of the Commission theretofore duly designated by it, and the Commission having made its findings as to the facts and its conclusion that said respondents have violated the provisions of the Federal Trade Commission Act;

*It is ordered*, That the respondent Somersville Manufacturing Company, a corporation, its officers, directors, representatives, agents, and employees, and respondents J. J. O'Donnell and Clinton Ellis, individually and trading as O'Donnell and Ellis, or trading under any other name, their representatives, agents and employees, directly or through any corporate or other device, in connection with the offering for sale, sale and distribution of their various textile fabrics in commerce, as "commerce" is defined in the Federal Trade Commission Act, do forthwith cease and desist from:

1. Using the words "camel's hair" or "camel" or any other term or terms descriptive of camel's hair on labels, or otherwise, to describe, designate or refer to any fabric or product which is not composed wholly of camel's hair: *Provided, however*, That in the case of fabrics or products composed in part of camel's hair and in part of other fibers, such terms may be used as descriptive of the camel's-hair content if there are used in immediate connection or conjunction therewith, in letters of at least equal size and conspicuousness, words truthfully describing and designating each constituent fiber thereof;

2. Using any pictorial design of a camel in connection with any description of or reference to fabrics or products in which camel's hair is not the predominating fiber;

3. Representing in any manner that fabrics or products offered for sale or

sold by respondents contain camel's hair in greater quantity than is actually the case.

*It is further ordered*, That the respondents shall, within sixty (60) days after service upon them of this order, file with the Commission a report in writing, setting forth in detail the manner and form in which they have complied with this order.

*It is further ordered*, That no provisions contained in this order shall be construed as authorizing or permitting after July 14, 1941, the labeling of any wool product in any manner other than in strict conformity with the provisions of the Wool Products Labeling Act.

By the Commission.

[SEAL] OTIS B. JOHNSON,  
Secretary.

[F. R. Doc. 41-3108; Filed, April 28, 1941;  
11:42 a. m.]

[Docket No. 4345]

#### PART 3—DIGEST OF CEASE AND DESIST ORDERS

##### IN THE MATTER OF SHERRY'S CUT RATE DRUG COMPANY, INC.

§ 3.6 (t) *Advertising falsely or misleadingly—Qualities or properties of product*: § 3.6 (x) *Advertising falsely or misleadingly—Results*: § 3.6 (y) *Advertising falsely or misleadingly—Safety*: § 3.71 (e) *Neglecting, unfairly or deceptively, to make material disclosure—Safety*. Disseminating, etc., in connection with offer, etc., of respondent's "Mrs. Bee Femo Caps" or any other substantially similar medicinal preparation, any advertisements by means of the United States mails, or in commerce, or by any means, to induce, etc., directly or indirectly, purchase in commerce, etc., of said preparation, which advertisements represent, directly or through inference, that said preparation constitutes a competent or effective treatment for delayed, unnatural or suppressed menstruation or that it is safe or harmless; or which advertisements fail to reveal that the use of said preparation may cause gastro-intestinal disturbances and excessive congestion and hemorrhage of the pelvic organs, and in the case of pregnancy may cause uterine infection and blood poisoning; prohibited. (Sec. 5, 38 Stat. 719, as amended by sec. 3, 52 Stat. 112; 15 U.S.C., Supp. IV, sec. 45b) [Cease and desist order, Sherry's Cut Rate Drug Company, Inc., Docket 4345, April 19, 1941]

At a regular session of the Federal Trade Commission, held at its office in the City of Washington, D. C. on the 19th day of April, A. D. 1941.

This proceeding having been heard by the Federal Trade Commission upon the complaint of the Commission and the answer of the respondent, in which answer respondent admits all the material allegations of fact set forth in said com-

plaint, and states that it waives all intervening procedure and further hearing as to said facts, and the Commission having made its findings as to the facts and its conclusion that the respondent has violated the provisions of the Federal Trade Commission Act;

*It is ordered*, That the respondent, Sherry's Cut Rate Drug Company, Inc., a corporation, its officers, representatives, agents and employees, directly or through any corporate or other device, in connection with the offering for sale, sale or distribution of its medicinal preparation known as "Mrs. Bee Femo Caps", or any other preparation of substantially similar composition or possessing substantially similar properties, whether sold under the same name or under any other name, do forthwith cease and desist from directly or indirectly:

1. Disseminating, or causing to be disseminated, any advertisement (a) by means of the United States mails, or (b) by any means in commerce, as commerce is defined in the Federal Trade Commission Act, which advertisement represents, directly or through inference, that said preparation constitutes a competent or effective treatment for delayed, unnatural or suppressed menstruation; that said preparation is safe or harmless; or which advertisement fails to reveal that the use of said preparation may cause gastro-intestinal disturbances and excessive congestion and hemorrhage of the pelvic organs, and in the case of pregnancy may cause uterine infection and blood poisoning;

2. Disseminating, or causing to be disseminated, any advertisement by any means for the purpose of inducing, or which is likely to induce, directly or indirectly, the purchase in commerce, as commerce is defined in the Federal Trade Commission Act, of said preparation, which advertisement contains any of the representations prohibited in Paragraph 1 hereof, or which fails to reveal that the use of said preparation may cause gastro-intestinal disturbances and excessive congestion and hemorrhage of the pelvic organs, and in the case of pregnancy may cause uterine infection and blood poisoning.

*It is further ordered*, That respondent shall, within ten (10) days after service upon it of this order, file with the Commission an interim report in writing stating whether it intends to comply with this order, and, if so, the manner and form in which it intends to comply; and that within sixty (60) days after service upon it of this order, said respondent shall file with the Commission a report in writing, setting forth in detail the manner and form in which it has complied with this order.

By the Commission.

[SEAL] OTIS B. JOHNSON,  
Secretary.

[F. R. Doc. 41-3109; Filed, April 28, 1941;  
11:43 a. m.]

<sup>1</sup> 6 FR. 60.



# TITLE 20—EMPLOYEES' BENEFITS CHAPTER II—RAILROAD RETIREMENT BOARD

## PART 299—PRIOR SERVICE RECORDS

### REGULATIONS UNDER THE JOINT RESOLUTION PROVIDING FOR THE ACQUISITION BY THE RAILROAD RETIREMENT BOARD OF DATA NEEDED IN CARRYING OUT THE PROVISIONS OF THE RAILROAD RETIREMENT ACTS

Pursuant to the general authority contained in section 5, Public Resolution No. 102, 76th Congress, approved October 9, 1940, Board Order 41-91 dated February 27, 1941 (6 F.R. 1287), amending § 299.08 of the regulations of the Railroad Retirement Board under such Act, which read as follows:

§ 299.08 *Data required.* Each employer and other company in possession of the necessary reports or information shall collect and furnish to the Railroad Retirement Board prior to June 30, 1943, in such form and in accordance with such instructions as the Board may prescribe and under such schedules as may be arranged, data concerning service rendered prior to January 1, 1937, and compensation earned between January 1, 1924, and December 31, 1931, by employees who, on August 29, 1935, were in the active service of, or in an employment relation to, an employer covered by the Railroad Retirement Acts, and data concerning service rendered subsequent to August 29, 1935, and prior to January 1, 1937, and compensation earned in such service, in cases in which employees were not, on August 29, 1935, in the active service of, or in an employment relation to, an employer covered by the Railroad Retirement Acts, or were employee representatives, except that:

(a) In the cases of certain employees who may become eligible for annuities under the 1935 Railroad Retirement Act, reports of service performed prior to January 1, 1937, may be required in addition to that specified above, even though the employee was not, on August 29, 1935, in the active service of, or in an employment relation to, an employer covered by the Act, and

(b) In certain cases, where no service, or in the judgment of the Board insufficient service, was rendered by the employee between January 1, 1924, and December 31, 1931, the Board will require reports of compensation for other periods of service. (Secs. 1, 5, Pub. Res. No. 102, 76th Cong.)

is rescinded by Board Order 41-180 dated April 22, 1941, and said section as promulgated by Board Order 40-612 dated October 30, 1940, effective November 1, 1940 (5 F.R. 4332), is to remain in effect as follows:

§ 299.08 *Data required.* Each employer and other company in possession of the necessary reports or information shall collect and furnish to the Railroad Retirement Board prior to June 30, 1943, in such form and in accordance with such instructions as the Board may prescribe and under such schedules as may be arranged, data concerning service rendered prior to January 1, 1937, and compensation earned between January 1, 1924, and December 31, 1931, by employees who, on August 29, 1935, were in the active service of, or in an employment relation to, an employer covered by the Railroad Retirement Acts, or were employee representatives, except that:

(a) In the cases of certain employees who may become eligible for annuities under the 1935 Railroad Retirement Act, reports of service performed prior to January 1, 1937, may be required even though the employee was not, on August 29, 1935, in the active service of, or in an employment relation to, an employer covered by the Act, and

(b) In certain cases, where no service or in the judgment of the Board insufficient service was rendered by the employee between January 1, 1924, and December 31, 1931, the Board will require reports of compensation for other periods of service.

By Authority of the Board.

[SEAL] JOHN C. DAVIDSON,  
Secretary of the Board.

Dated April 26, 1941.

[F. R. Doc. 41-3080; Filed, April 26, 1941;  
10:02 a. m.]

## TITLE 22—FOREIGN RELATIONS CHAPTER I—DEPARTMENT OF STATE

### SUBCHAPTER C—NEUTRALITY

#### PART 149—COMMERCE WITH STATES ENGAGED IN ARMED CONFLICT<sup>1</sup>

##### *Additional Regulations*

§ 149.1 *Exportation or transportation of articles or materials.*

(m) *Bulgaria.* The regulations under section 2 (c) and (i) of the joint resolution of Congress approved November 4, 1939, which the Secretary of State promulgated on November 10<sup>2</sup> and November 25,<sup>3</sup> 1939, henceforth apply equally in respect to the export or transport of articles and materials to Bulgaria. (54 Stat. 4, 6; 22 U.S.C., Supp. V, 245j-1; Proc. 2479, April 24, 1941)

CORDELL HULL,  
Secretary of State.

APRIL 25, 1941.

[F. R. Doc. 41-3081; Filed, April 26, 1941;  
10:44 a. m.]

#### PART 156—TRAVEL<sup>4</sup>

Pursuant to the provisions of section 5 of the joint resolution of Congress, approved November 4, 1939, and of the President's proclamation of April 10, 1941 (6 F.R. 1905), the regulations in 22 CFR 156.1 and 156.2 of November 6, 1939,<sup>5</sup> as amended November 17, 1939,<sup>6</sup> April 25, 1940,<sup>7</sup> May 11, 1940,<sup>8</sup> June 10,

<sup>1</sup> The number of this part has been changed from 12 to 149.

<sup>2</sup> 22 CFR 149.1 (a)-(d). 4 F.R. 4598.

<sup>3</sup> 22 CFR 149.1 (e). 4 F.R. 4701.

<sup>4</sup> The number of this part has been changed from 55C to 156.

<sup>5</sup> 4 F.R. 4509.

<sup>6</sup> 4 F.R. 4640.

<sup>7</sup> 5 F.R. 1597.

<sup>8</sup> 5 F.R. 1695.

1940,<sup>9</sup> November 15, 1940,<sup>10</sup> April 11, 1941,<sup>11</sup> and April 16, 1941,<sup>12</sup> are hereby amended to read as follows:

§ 156.1 *American diplomatic, consular, military, and naval officers.* American diplomatic and consular officers and their families, members of their staffs and their families, and American military and naval officers and personnel and their families may travel pursuant to orders on vessels of France; Germany; Poland; or the United Kingdom, India, Australia, Canada, New Zealand, the Union of South Africa; Norway; Belgium; the Netherlands; Italy; Greece; Yugoslavia; Hungary; and Bulgaria if the public service requires. (54 Stat. 7; 22 U.S.C., Supp. V, 245j-4; Proc. 2479, April 24, 1941)

§ 156.2 *Other American citizens.* Other American citizens may travel on vessels of France; Germany; Poland; or the United Kingdom, India, Australia, Canada, New Zealand, the Union of South Africa; Norway; Belgium; the Netherlands; Italy; Greece; Yugoslavia; Hungary; and Bulgaria: *Provided, however,* That travel on or over the north Atlantic Ocean, north of 35 degrees north latitude and east of 66 degrees west longitude or on or over other waters adjacent to Europe or over the continent of Europe or adjacent islands shall not be permitted except when specifically authorized by the Passport Division of the Department of State or an American diplomatic or consular officer abroad in each case. (54 Stat. 7; 22 U.S.C., Supp. V, 245j-4; Proc. 2479, April 24, 1941)

CORDELL HULL,  
Secretary of State.

APRIL 25, 1941.

[F. R. Doc. 41-3083; Filed, April 26, 1941;  
10:44 a. m.]

#### PART 161—SOLICITATION AND COLLECTION OF FUNDS AND CONTRIBUTIONS<sup>13</sup>

##### *Additional Regulations*

§ 161.22 *Contributions for use in Bulgaria.* The rules and regulations (22 CFR 161.1-16) under section 8 of the joint resolution of Congress approved November 4, 1939, which the Secretary of State promulgated on November 6, 1939,<sup>14</sup> henceforth apply equally to the solicitation and collection of contributions for use in Bulgaria. (54 Stat. 8; 22 U.S.C., Supp. V, 245j-7; Proc. 2479, April 24, 1941)

CORDELL HULL,  
Secretary of State.

APRIL 25, 1941.

[F. R. Doc. 41-3082; Filed, April 26, 1941;  
10:44 a. m.]

<sup>9</sup> 5 F.R. 2211.

<sup>10</sup> 5 F.R. 4532.

<sup>11</sup> 6 F.R. 1921.

<sup>12</sup> 6 F.R. 2001.

<sup>13</sup> The number of this part has been changed from 40 to 161.

<sup>14</sup> 4 F.R. 4510.



TITLE 30—MINERAL RESOURCES  
CHAPTER III—BITUMINOUS COAL  
DIVISION

[Docket No. A-723]

PART 321—MINIMUM PRICE SCHEDULE,  
DISTRICT NO. 1

ORDER GRANTING TEMPORARY RELIEF AND CONDITIONALLY PROVIDING FOR FINAL RELIEF IN THE MATTER OF THE PETITION OF DISTRICT BOARD NO. 1, REQUESTING THE ESTABLISHMENT OF CLASSIFICATIONS AND EFFECTIVE MINIMUM PRICES FOR COALS FOR WHICH CLASSIFICATIONS AND EFFECTIVE MINIMUM PRICES HAVE NOT HERETOFORE BEEN ESTABLISHED

A petition, pursuant to the Bituminous Coal Act of 1937, having been duly filed by District Board No. 1 on March 3, 1941, requesting the establishment of price classifications and minimum prices for certain coals not heretofore classified or priced and requesting temporary relief, pending final disposition of this proceeding; and

It appearing that due notice of the filing of the petition was given to all persons interested in this proceeding and that no opposition has appeared in the premises, and the Director having duly considered the petition and the subject matter thereof;

Now, therefore, it is ordered, That a reasonable showing of the necessity therefor having been made, pending final disposition of this proceeding, temporary relief be, and it is hereby, granted as follows: Commencing forthwith, § 321.7 (*Alphabetical list of code members*) is amended by adding thereto Supplement R, § 321.24 (*General prices*) is amended by adding thereto Supplement T-I and § 321.32 (*General prices*—Subdistrict No. 1) is amended by adding thereto Supplement R-II which supplements dated April 9, 1941, are hereinafter set forth.

It is further ordered, That applications to stay, terminate or modify the foregoing temporary relief, or pleadings in opposition to the final relief requested in the petition, may be filed within forty-five (45) days from date hereof, pursuant to the Rules and Regulations Governing Practice and Procedure before the Division in Proceedings Instituted Pursuant to section 4 II (d) of the Act; and

It is further ordered, That the relief hereinabove granted shall become permanent sixty (60) days from the date hereof unless the Director shall otherwise order.

Dated: April 9, 1941.

[SEAL]

H. A. GRAY,  
Director.

TEMPORARY AND CONDITIONALLY FINAL EFFECTIVE MINIMUM PRICES FOR DISTRICT NO. 1

NOTE.—The material contained in these Supplements is to be read in the light of the classifications, prices, instructions, exceptions and other provisions contained in Part 321, Minimum Price Schedule for District No. 1 and Supplements thereto.

FOR ALL SHIPMENTS EXCEPT TRUCK

§ 321.7 *Alphabetical list of code members*—Supplement R

[Alphabetical listing of code members having railway loading facilities, showing price classification by size group Nos.]

Mine index No.	Code member	Mine name	Subdistrict No.	Seam	Freight origin group No.	1	2	3	4	5
15	Apple Coal Company (Howard Apple)	Apple #2	18	D	52	G				G
2972	B & R Mine (John E. Rupp)	B & R	18	C'	52			E		
627	Beunier Coal Mining Co. (Rene D. Beunier)	Big Run #7	18	B	52	D				D
276	Beveridge, J. M.	Liberty #2	1	B	31			F		
3046	Bowersox, Ray (Bowersox, DeSantis, Giordani & DeSantis)	Bowersox	11	E	119			G		
3082	Bracken, W. C. & LaVerne (W. C. Bracken)	Bracken	4	B	91			G		
2902	Catherman, Kenneth E. & (Mrs.) Margaret I.	Catherman #1	7	D	113			F		
702	Decker & Sons, W. F.	Pine Field	40	C'	100			F		
368	Freebrook Corporation	Pittshaw #16	10	E	119			H		
718	Gahagen Coal Co.	Huskin #5	38	E	49	E	E	E	E	E
3054	Gammache, Frank J.	Nethkin	44	E	68			H		
1455	Grove Coal Co. (Ray Grove)	Grove Coal Co.	44	E	68	D		D	D	D
1477	Hart & Son, E. M.	Rattler	3	B	130	C		C	C	C
2987	Hart & Son, E. M.	New Mine	3	Seymour	130			H		
728	Pasquerette, Anthony	Moore	1	B	31			F		
719	Prushnok, J. P. (The Arcadia Co.)	Arcadia #43	12	E	44	G	G	G	G	G
1407	Wallwork Coal Co.	Mosgrove	10	E	11	H	H		J	J

NOTE: Additional classifications are italicized.

TRUCK SHIPMENTS

§ 321.24 *General prices*—Supplement T-I

[Prices in cents per net ton for shipment into all market areas]

Code member index	Mine index No.	Mine	Sub-district No.	County	Seam	All lump coal double screened top size 2" and over	Double screened top size 2" and under	Run of mine modulated R/M	24" and under slack	36" and under slack
						1	2	3	4	5
Apple Coal Company (Howard Apple)	15	Apple #2	18	Cambria	D	240				195
Beunier Coal Mining Co. (Rene D. Beunier)	627	Big Run #7	18	Cambria	B	255				210
Bowersox, Ray (Bowersox, DeSantis, Giordani & DeSantis)	3046	Bowersox	11	Armstrong	E			215		
Bracken, W. C. & LaVerne (W. C. Bracken)	3082	Bracken	4	Clarion	B	240	215	215	200	190
Catherman, Kenneth E. & (Mrs.) Margaret I.	2902	Catherman #1	7	Clearfield	D			220		
Freebrook Corporation	368	Pittshaw #16	10	Armstrong	E	235	215	215	195	185
Gahagen Coal Co.	718	Huskin #5	38	Somerset	E	250	225	225	215	205
Gammache, Frank J.	3054	Nethkin	44	Garrett	E			210		
Grove Coal Co. (Ray Grove)	1455	Grove Coal Co.	44	Garrett	E	255			220	210
Meeker Coal Co. (Woodrow Meeker)	3020	Meeker	9	Clinton	C			235		
Myers, Homer E.	3115	Homer E. Myers #2	4	Clarion	B	240	215	215	200	190
Palmer, Palmer, Palmer & Johnson (Norwood Johnson)	3006	Johnson	22	Indiana	E			220		
Patton Coal Company (Nathan J. Patton)	3060	Patton C. Co.	44	Garrett	B			210		
Prushnok, J. P. (The Arcadia Co.)	719	Arcadia #43	12	Indiana	E	240	215	215	205	195
Reel, Guy	3080	Dixon #2	44	Mineral	E			230		
Smith, Charles E.	3065	Chas. E. Smith	6	Jefferson	E			220		
Towers Brothers (George Towers)	2549	Towers	2	McKean	B	235	210	210	195	185
Warnick, Alonzo	3068	Sharpless	44	Garrett	E			210		
Weaver, A. A.	3094	Weaver	22	Indiana	Pittsburgh			220		

NOTE: Additional prices are italicized.



## § 321.32 General prices—Subdistrict No. 1—Supplement T-II

(Prices in cents per net ton for shipment into all market areas)

Code member index	Mine index No.	Mine	Sub. dist. No.	County	Seam	1	All lump coal double screened top size 24" and over	2	Double screened top size 24" and under	3	Run of mine mod. sized R/M	4	24" and under slack	5	36" and under slack
						250		225		225		215		205	
						B									
						Clarion									
						1									
						Moore									
						728									
						Pasquerette, Anthony									

[F. R. Doc. 41-3062; Filed, April 25, 1941; 11:37 a. m.]

[Docket No. A-764]

## PART 324—MINIMUM PRICE SCHEDULE, DISTRICT NO. 4

ORDER GRANTING TEMPORARY RELIEF AND CONDITIONALLY PROVIDING FOR FINAL RELIEF IN THE MATTER OF THE PETITION OF DISTRICT BOARD NO. 4 FOR THE ESTABLISHMENT OF PRICE CLASSIFICATIONS AND MINIMUM PRICES FOR THE COALS OF CERTAIN MINES IN DISTRICT NO. 4 NOT HERETOFORE CLASSIFIED AND PRICED

An original petition, pursuant to section 4 II (d) of the Bituminous Coal Act of 1937, having been duly filed with this Division by the above-named party, requesting the establishment of price classifications and minimum prices for the coals of certain mines in District No. 4 not heretofore classified and priced; and the Director finding that a reasonable showing of necessity has been made for the granting of temporary relief in the manner hereinafter set forth; and

No petitions of intervention having been filed with this Division in the above-entitled matter; and

The Director deeming his action necessary in order to effectuate the purposes of the Act;

It is ordered, That, pending final disposition of the above-entitled matter, temporary relief be, and the same hereby is, granted as follows: Commencing forthwith, § 324.2 (Seasonal discounts) is

amended by adding thereto Supplement A, § 324.7 (Alphabetical list of code members) is amended by adding thereto Supplement B, § 324.8 (Numerical list of mines) is amended by adding thereto Supplement C, § 324.10 (General prices) is amended by adding thereto Supplement D, § 324.11 (Special prices—(a) Railroad fuel prices for all movements exclusive of lake cargo railroad fuel) is amended by adding thereto Supplement E and § 324.24 (General prices in cents per net ton for shipment into all market areas) is amended by adding thereto Supplement F, which supplements dated April 7, 1941, are hereinafter set forth.

It is further ordered, That pleadings in opposition to the original petition in the above-entitled matter, and applications to stay, terminate, or modify the temporary relief herein granted may be filed with the Division within forty-five (45) days from the date of this Order, pursuant to Rules and Regulations Governing Practice and Procedure Before the Bituminous Coal Division in Proceedings Instituted Pursuant to section 4 II (d) of the Bituminous Coal Act of 1937.

It is further ordered, That the relief herein granted shall become final sixty (60) days from the date of this Order, unless the Director shall otherwise order.

Dated: April 7, 1941.

[SEAL]

H. A. GRAY,  
Director.

## TEMPORARY AND CONDITIONALLY FINAL EFFECTIVE MINIMUM PRICES FOR DISTRICT NO. 4

NOTE.—The material contained in these Supplements is to be read in the light of the classifications, prices, instructions, exceptions and other provisions contained in Part 324, Minimum Price Schedule for District No. 4 and Supplements thereto.

## FOR ALL SHIPMENTS EXCEPT TRUCK

## § 324.7 Alphabetical list of code members—Supplement B

[Alphabetical list of code members having railway loading facilities, showing price classification by size group numbers]

Mine No. index	Code member	Mine name	Sub-district No.	Seam	Type	Freight origin group Nos.	Price classifications by size group Nos.
2377	Athey, Clair.....	Athey.....	8	8	Deep.....	29	1 2 3 4 5 6 7 8 9 10 11 12
1487	Brown & Sons, W. G.....	Brown.....	6	6	Deep.....	32	1 2 3 4 5 6 7 8 9 10 11 12
1501	Cooperative Coal Company (Hickory Creek).....	Cooperative.....	5	7	Deep.....	22	1 2 3 4 5 6 7 8 9 10 11 12
1497	Hook C. W. (Hook Coal Co.).....	Hook #3.....	4	6	Deep.....	55	1 2 3 4 5 6 7 8 9 10 11 12
1501	Hudson, Daniel.....	Dan Hudson Coal.....	4	6	Deep.....	55	1 2 3 4 5 6 7 8 9 10 11 12
2331	Rush & Backus (Grover Backus).....	Rush & Backus.....	5	6	Deep.....	91	1 2 3 4 5 6 7 8 9 10 11 12
2331	Salzgaber, Harry (Salzgaber Coal Company).....	Hickory.....	6	6	Deep.....	33	1 2 3 4 5 6 7 8 9 10 11 12
2775	Yellow Creek Coal Company (James L. & Joseph T. Keenan).....	Yellow Creek.....	3	8	Strip.....	53	1 2 3 4 5 6 7 8 9 10 11 12

## § 324.8 Numerical list of mines—Supplement C

Mine No. index	Mine name	Code member	Freight origin districts	Freight origin group Nos.	Railroad	Sub-district No.
951	Brown.....	Brown & Sons, W. G.....	Crooksville.....	32	N. Y. C.....	6
1487	Dan Hudson Coal.....	Hudson, Daniel.....	Middle.....	55	W. & L. E.....	4
1501	Hook #3.....	Hook C. W. (Hook Coal Co.).....	Middle.....	55	W. & L. E.....	4
2329	Cooperative.....	Cooperative Coal Company (Hickory Creek).....	Hickory.....	22	C. & O.....	6
2377	Athey, Clair.....	Athey.....	Pomeroy.....	29	C. & O., N. Y. C.....	8
2331	Rush & Backus.....	Rush & Backus (Grover Backus).....	Hickory.....	91	B. & O., N. Y. C.....	6
2331	Salzgaber, Harry.....	Salzgaber, Harry (Salzgaber Coal Company).....	Crooksville.....	33	N. Y. C.....	6
2775	Yellow Creek.....	Yellow Creek Coal Company (James L. & Joseph T. Keenan).....	Middle.....	53	P. R. R.....	3



## § 324.2 Seasonal discounts—Supplement A

[Seasonal discounts—On all shipments of coal in size groups 1 or 2, the discounts shown below in cents per net ton may apply. The date of shipment and not the date of sale shall govern the seasonal price applicable. Those seasonal discounts apply for shipments to all market areas except market areas 1 to 13, inclusive, 98 and 99 (Great Lakes), river shipments, vessel fuel and railroad fuel]

Freight origin districts	Freight origin group Nos.	Additional freight origin group Nos.	Mine index numbers	Additional mine index Nos.	Amount of discount for shipments during month of—			
					April	May	June	July
Hocking.....	21, 22, 26, 27, 28	Add 91.....	1, 27, 33, 41, 47, 59, 61, 64, 73, 74, 75, 76, 86, 90, 109, 126, 130, 168, 170, 171	Add Mine Index No. 2631	50	40	30	20
Pomeroy.....	26, 27, 28, 29	Add 22.....	14, 22, 38, 70, 82, 100, 101, 105, 112, 113	Add Mine Index No. 2329	30	20	10	---
Crooksville.....	31, 32, 33, 34, 36	Add 29.....	4, 28, 68, 85, 91, 104, 105, 125, 138, 143, 146, 155, 156, 160, 162, 163	Add Mine Index No. 2377	50	40	30	20
Middle.....	53, 54, 57, 58	Add 55.....	49, 50, 67, 94, 132	Add Mine Index Nos. 931-2993	30	20	10	---
	52	Add 53.....	13, 106	Add Mine Index No. 2775	30	20	10	---

Seasonal discounts as shown in § 324.2 of the Schedule of Effective Minimum Prices apply to all additional mine index numbers hereinabove noted.

## § 324.10 General prices—Supplement D

[Prices for all-rail shipment from mines indexed below into market areas as shown. For shipment into all market areas—See Schedule of Effective Minimum Prices, §§ 324.9 and 324.10. Also applies to Market Areas 98 and 99 (Great Lakes), §§ 324.11 (b) and 324.11 (c), and Vessel Fuel, § 324.11 (d)]

Freight origin districts	Freight origin group Nos.	Additional freight origin group Nos.	Mine index Nos.	Additional mine index Nos.
Hocking.....	21, 22, 26, 27, 28	Add 91.....	1, 27, 33, 41, 47, 59, 61, 64, 73, 74, 75, 76, 86, 90, 109, 126, 130, 168, 170, 171	Add Mine Index No. 2631
Pomeroy.....	26, 27, 28, 29	Add 22.....	14, 22, 38, 70, 82, 100, 101, 105, 112, 113	Add Mine Index No. 2329
Crooksville.....	31, 32, 33, 34, 36	Add 29.....	4, 28, 68, 85, 91, 104, 105, 125, 138, 143, 146, 155, 156, 160, 162, 163	Add Mine Index No. 2377
Middle.....	53, 54, 57, 58	Add 55.....	49, 50, 67, 94, 132	Add Mine Index Nos. 931-2993
	52	Add 53.....	13, 106	Add Mine Index No. 2775

Prices as shown in §§ 324.9, 324.10, 324.11 (b), 324.11 (c), and 324.11 (d) of the Schedule of Effective Minimum Prices apply to all additional mine index numbers hereinabove noted.

## § 324.11 Special prices—(a) Railroad fuel prices for all movements exclusive of lake cargo railroad fuel—Supplement E

[Railroad fuel prices for all movements exclusive of lake cargo railroad fuel from mines indexed below. For shipment to railroads as shown—See Schedule of Effective Minimum Prices, § 324.11 (a)]

Name of railroad	Mine index Nos.	Additional mine index Nos.
Baltimore & Ohio Railroad Co.....	10, 21, 30, 33, 39, 49, 58, 71, 72, 78, 81, 85, 87, 95, 96, 103, 104, 106, 115, 121, 124, 128, 134, 135, 144, 146, 147, 161, 155, 157, 160, 162	Add mine index No. 2631
Chesapeake & Ohio Railway Co.....	14, 38, 41, 47, 61, 70, 72, 75, 76, 82, 86, 101, 105, 112, 113, 130, 131, 168, 170, 171	Add mine index Nos. 2329-2377
New York Central System.....	1, 4, 6, 18, 22, 27, 28, 34, 35, 47, 54, 59, 64, 95, 73, 74, 83, 90, 91, 100, 107, 109, 125, 126, 138, 141, 143, 153, 158, 172	Add mine index Nos. 931, 2377, 2631, 2693
Pennsylvania Railroad Co.....	9, 24, 26, 32, 42, 43, 52, 81, 99, 102, 122, 127, 133, 145, 154, 157, 164	Add mine index Nos. 2775, 1301
Wheeling & Lake Erie Railway Co.....	135, 145, 154, 157, 164	Add mine index Nos. 1497, 1301
Akron, Canton & Youngstown Railway Co.....	From mine index Nos. 3, 5, 7, 8, 12, 13, 16, 23, 33, 37, 45, 48, 68, 77, 79, 92, 97, 108, 110, 119, 133, 135, 159, 161, 166	Add mine index No. 2775
Ann Arbor Railroad Co.....		
Canadian National Railways and Grand Trunk Railways System.....		
Canadian Pacific Railway Co.....		
Detroit and Mackinac Railway Company.....		
Detroit and Toledo Shore Line Railroad Co.....		
Erie Railroad.....		
Nickel Plate Road (New York Chicago & St. Louis Railroad Co.).....		
Pere Marquette Railway Co.....		
For all Railroads not shown above		

Prices as shown in § 324.11 (a) of the Schedule of Effective Minimum Prices apply to all additional mine index numbers hereinabove noted.



§ 324.24 General prices in cents per net ton for shipment into all market areas—  
Supplement F—Continued

Code member index	Mine	Mine Index No.	Seam	Base sizes							
				6' lump	3'-4'-6' lump	2' lump	2' x 4' egg, 2' x 4' lump	1 1/4' lump, 1 1/4' x 4' egg	Mine run, nut and pea	2' x 0 slack	3/4' x 0 slack
SUB-DISTRICT No. 5—HOCKING											
ATHENS COUNTY											
Onall, James (James Onall Coal Company).	James Onall	2796	6	285	285	275	250	245	195	165	155
Walker, Joe I. & Albert Bretz	Walker and Bretz	2769	8	280	270	260	235	230	195	165	155
HOCKING COUNTY											
Thompson, Frank	Thompson	2793	6	295	285	275	250	245	195	165	155
SUB-DISTRICT No. 6—CROOKSVILLE											
MORGAN COUNTY											
Walte & Sons, James D. (James D. Walte)	M. & R.	2778	9	280	270	260	235	230	195	165	165
MUSKINGUM COUNTY											
Westcott Coal Mine (Clyde Westcott)	Westcott	2792	6	280	270	260	235	230	195	165	165
PERRY COUNTY											
Barnes Bros. Coal Co.	Barnes	2735	6	280	270	260	235	230	195	165	155
Sharkey, Ellis C.	Sharkey	2774	6	280	270	260	235	230	195	165	155
Spillman, John M.	Spillman	2812	5	280	270	260	235	230	195	165	155
Warner, Oscar	Warner	2454	6	280	270	260	235	230	195	165	155
Woodlett Coal Company (Clarence Woodlett, Sr.)	Woodlett	2788	6	280	270	260	235	230	195	165	155
SUB-DISTRICT No. 7—JACKSON											
VINTON COUNTY											
Eberts, M. A.	Eberts	2777	3	295	285	275	250	245	195	175	165
SUB-DISTRICT No. 8—POMEROY											
GALLIA COUNTY											
S. & W. Coal Co. (Carl C. Wiseman)	S. & W.	2795	8	295	285	275	250	245	195	140	140
Scott, Bert	Scott Mine	2808	8	295	285	275	250	245	195	140	140

[F. R. Doc. 41-3063; Filed, April 25, 1941; 11:37 a. m.]

PRICES FOR THE COALS OF CERTAIN MINES  
NOT HERETOFORE CLASSIFIED AND PRICED

An original petition, pursuant to section 4 II (d) of the Bituminous Coal Act of 1937 and Order No. 303 of the Bituminous Coal Division having been filed with the Division on November 16, 1940, by District Board No. 5, seeking the establishment of price classifications and minimum prices for the coals of the Goodrich Mine of Guy Goodrich, the

PART 325—MINIMUM PRICE SCHEDULE,  
DISTRICT No. 5

ORDER OF THE DIRECTOR APPROVING AND ADOPTING PROPOSED FINDINGS OF FACT AND CONCLUSIONS OF LAW OF THE EXAMINER, AND GRANTING PERMANENT RELIEF TO MINE INDEX NOS. 100, 101, AND 103 IN THE MATTER OF THE PETITION OF DISTRICT BOARD NO. 5 FOR THE ESTABLISHMENT OF PRICE CLASSIFICATIONS AND MINIMUM

FOR TRUCK SHIPMENTS  
§ 324.24 General prices in cents per net ton for shipment into all market areas—  
Supplement F

Code member index	Mine	Mine Index No.	Seam	Base sizes											
				6' lump	3'-4'-6" lump	2' lump	2' x 4' egg	1 1/4' lump, 1 1/4' egg	Mine run, nut and pea	2' x 0 slack	3/4' x 0 slack				
				1	2	3	4	5	6	7	8				
SUB-DISTRICT No. 1—EASTERN OHIO															
BELMONT COUNTY															
Tar Run Coal Co. (Dave Gibson)	Tar Run	2781	8	285	275	260	235	230	220	200	190				
JEFFERSON COUNTY															
Campfield, D. J.	Monier	2790	8	285	275	260	235	230	220	200	190				
Mossor Coal Company (Harold Pasco)	Mossor	2760	8	285	275	260	235	230	220	200	190				
SUB-DISTRICT No. 2—CAMBRIDGE															
GUERNSEY COUNTY															
Long Coal Company, J. A. (J. A. Long)	Blue Bird	2810	7	270	260	245	220	220	220	200	190				
Wiley & Casey (Samuel M. Casey)	Wiley & Casey	2767	7	270	260	245	220	220	220	200	190				
NOBLE COUNTY															
Rummer, G. H.	Rummer	2800	8	270	260	245	220	220	220	200	190				
WASHINGTON COUNTY															
Rummer, Otha	Rummer	2784		270	260	245	220	220	220	200	190				
SUB-DISTRICT No. 3—BERGOLZ															
JEFFERSON COUNTY															
Standard Life Insurance Company of America, c/o John C. Hill	Standard Clay	2764		285	275	260	235	230	220	200	190				
Yellow Creek Coal Company (James L. & Joseph T. Keenan)	Yellow Creek	2775	8	275	265	250	225	220	210	190	180				
SUB-DISTRICT No. 4—MIDDLE															
CARROLL COUNTY															
Gallon & Knox (W. H. Gallon)		2776	Harlem	275	265	250	235	235	220	190	180				
COLUMBIANA COUNTY															
Gray Bros. (Roy T. Gray)	Tengarden	2638	6	300	290	275	250	245	225	205	195				
Tauden, Hugo	Bruckseid	2759	6	300	290	275	250	245	235	205	195				
COSHOCTON COUNTY															
Hook, C. W. (Hook Coal Co.)	Hook #3	2801	6	280	270	260	235	230	195	165	155				
STARK COUNTY															
Heisler Brothers	Heisler Bros	2782	5 and 6	275	265	250	235	235	210	190	180				
Villard, Earl (Battlesburg Coal Co.)	Battlesburg	2791	6	275	265	250	235	235	220	190	180				
TUSCARAWAS COUNTY															
Anore & Son (Roy Anore)	Anore	2794	6	275	265	250	235	235	220	190	180				
Blake Mine Company (Blake Bros.)	Ohio Black Diamond	2811	6	275	265	250	235	235	220	190	180				
Norika Coal Company	Norika #1	2798	6	275	265	250	235	235	210	190	180				
Queen, O. J.	Queen	2783	6	275	265	250	235	235	220	190	180				
Struchen, Geo. & A. H. Long (A. H. Long)	Nunick	2780	6	275	265	250	235	235	220	190	180				
Van Fossen, Glenn	Van Fossen	2787	6	275	265	250	235	235	220	190	180				



Jones Mine of The Jones Coal Mining Company, and the Sebewaing Mine of Sebewaing Coal Mining Co. (Mine Index Nos. 100, 103 and 101, respectively), in District No. 5, not theretofore classified and priced; and

The Director by Order dated December 3, 1940, having established temporary price classifications and minimum prices for said mines in a schedule designated "Temporary Supplement No. 2," annexed and made a part of said Order; and

A hearing having been held on Janu-

ary 7, 1941, before a duly designated Examiner of the Division at a hearing room of the Division, 734 Fifteenth Street, NW., Washington, D. C.; and

The Examiner, on March 12, 1941, having made proposed Findings of Fact and Conclusions of Law and his Recommendation in this matter, and

An opportunity having been afforded to all parties to file exceptions thereto and supporting briefs, and the time therefor having expired, and no such exceptions or supporting briefs having been filed; and

The Director having determined that the said proposed Findings of Fact and Conclusions of Law of the Examiner should be approved and adopted as the Findings of Fact and Conclusions of Law of the Director;

It is ordered, That the Proposed Findings of Fact and Conclusions of Law of the Examiner filed herein, dated March 12, 1941, be and the same hereby are approved and adopted as the Findings of Fact and Conclusions of Law of the Director; and

It is further ordered, That § 325.23 (General prices; shipment by truck into all market areas) is amended by adding thereto the supplement (Temporary Supplement No. 2 annexed to and made a part of the Order of the Director entered in Docket No. A-373, dated December 3, 1940, 5 F.R. 4831.) dated April 23, 1941, which is hereinafter set forth.

Dated: April 23, 1941.

[SEAL]

H. A. GRAY,  
Director.

#### EFFECTIVE MINIMUM PRICES FOR DISTRICT NO. 5

NOTE.—The material in this Supplement is to be read in the light of the classifications, prices, instructions, exceptions and other provisions contained in Part 325, Minimum Price Schedule for District No. 5 and Supplements thereto.

#### FOR TRUCK SHIPMENTS

#### § 325.23 General prices; shipment by truck into all market areas—Supplement No. 2

(Prices in cents per net ton for shipment into all market areas)

Code member index	Mine	County	Mine index No.	Seam	Lump larger than 4"	Lump 4"	Lump 3"	Lump 2" and smaller	6" x 3" egg	6" x 2" egg	4" x 2" egg	3" x 2" egg	3" x 1 1/2" stove	2" x 1 1/2" nut	1 1/2" x 1/2" stoker	Mine run	4" resultant	N-P-S 2" x 0	1 1/2" x 0 slack	1" x 0 slack	(R) 1/2" x 0 reject	(R) 3/4" x 0 reject	(W) 1/2" x 0 reject
Goodrich, Guy	Goodrich	Eaton	100	Michigan	460	455	450	430	420	410	405	400	385	360	310	355	320	300	280	280	150	125	120
Jones Coal Mining Company, The	Jones	Shiawassee	103	Michigan	460	455	450	430	420	410	405	400	385	360	310	355	320	300	280	280	150	125	120
Sebewaing Coal Mining Co. (c/o Wm. H. Roese)	Sebewaing	Huron	101	Michigan	460	455	450	430	420	410	405	400	385	360	310	355	320	300	280	280	150	125	120
The above prices in size groups 5 to 18, inclusive, are for raw coal. When washed or mechanically cleaned they shall be increased by.....																							

When coal is shipped by truck into Market Area No. 21 from any mine in District No. 5, the above prices may be reduced 35 cents per net ton, provided the delivery to the destination into Market Area No. 21 is under the control of the producer.

[F. R. Doc. 41-3071; Filed, April 25, 1941; 11:40 a. m.]



[Dockets Nos. A-680 and A-681]

PART 328—MINIMUM PRICE SCHEDULE,  
DISTRICT NO. 8

ORDER GRANTING FURTHER TEMPORARY RELIEF AND CONDITIONALLY PROVIDING FOR FINAL RELIEF IN THE MATTER OF THE PETITIONS OF DISTRICT BOARD 8 FOR THE ESTABLISHMENT OF PRICE CLASSIFICATIONS AND MINIMUM PRICES FOR COALS OF CERTAIN MINES IN DISTRICT NO. 8 NOT HERETOFORE CLASSIFIED AND PRICED

Original petitions, pursuant to section 4 II (d) of the Bituminous Coal Act of 1937, having been duly filed with this Division by the above-named party requesting the establishment of price classifications and minimum prices for the

coals of certain mines in District No. 8 not heretofore classified and priced, including the Caudill Mine, Mine Index No. 1523, of the Caudill Coal Corporation; and

Temporary and conditionally final relief having been granted by the Director's Order in the above-entitled matter, dated March 18, 1941, in the manner set forth in the Schedules marked "Supplement R" and "Supplement T," annexed to said Order and made a part thereof; and

It appearing that the Caudill Mine, Mine Index No. 1523, of the Caudill Coal Corporation was omitted from the aforesaid Order Granting Temporary Relief, whereas said mine should have been included therein; and

It appearing that a reasonable showing of the necessity for further temporary relief has been made, pending final disposition of the above-entitled matter; and

The Director deeming his action, as hereinafter set forth, necessary in order to effectuate the purposes of the Act;

It is ordered, That, pending final disposition of the petitions in the above-entitled matter, further temporary relief be, and it hereby is, granted as follows: Commencing forthwith, § 328.11 (*Alphabetical list of code members*) is amended by adding thereto the supplement dated April 7, 1941, which is hereinafter set forth.

## TEMPORARY AND CONDITIONALLY FINAL EFFECTIVE MINIMUM PRICES FOR DISTRICT NO. 8

NOTE.—The material contained in this "Supplement" is to be read in the light of the classifications, prices, instructions, exceptions and other provisions contained in Part 328, Minimum Price Schedule for District No. 8 and Supplements thereto.

## FOR ALL SHIPMENTS EXCEPT TRUCK

§ 328.11 *Alphabetical list of code members*

[Alphabetical list of code members having railway loading facilities, showing price classifications by size groups for all uses except as separately shown]

Mine index No.	Code member	Mine name	Sub- dist. No.	High volatile seam	Freight origin group No.	Price classifications by size group Nos.																		
						For destinations other than Great Lakes										For Great Lakes cargo only								
						1, 2	3, 4	5, 6	7 8	9	10	11, 12, 13, 14	15, 16, 17	18, 19, 20, 21	22	23	24	25	26	27	1, 2	3, 4	5, 6	7 8
1523	Caudill Coal Corporation	Caudill	6	Mason	III	O	O	K	J	G	E	D	E	J	J	O	M	K	F	C	C	O	J	J

[F. R. Doc. 41-3065; Filed, April 25, 1941; 11:38 a. m.]

It is further ordered, That pleadings in opposition to the original petitions in the above-entitled matter, and applications to stay, terminate, or modify the temporary relief herein granted may be filed with the Division within forty-five (45) days from the date of this Order, pursuant to Rules and Regulations Governing Practice and Procedure before the Bituminous Coal Division in Proceedings Instituted Pursuant to section 4 II (d) of the Bituminous Coal Act of 1937.

It is further ordered, That the relief herein granted shall become final sixty (60) days from the date of this Order, unless the Director shall otherwise order.

Dated: April 7, 1941.

[SEAL] H. A. GRAY,  
Director.



[Dockets Nos. A-750 and A-750, Part II]

## PART 328—MINIMUM PRICE SCHEDULE, DISTRICT NO. 8

ORDER SEVERING PORTION OF DOCKET NO. A-750 RELATING TO MINE INDEX NO. 585 AND DESIGNATING SAME AS DOCKET NO. A-750—PART II; ORDER CONTINUING TEMPORARY RELIEF AND TERMINATING CONDITIONALLY FINAL RELIEF HERETOFORE GRANTED AS TO MINE INDEX NO. 585; AND NOTICE OF AND ORDER FOR HEARING IN DOCKET NO. A-750—PART II IN THE MATTER OF THE PETITION OF DISTRICT BOARD 8 FOR THE ESTABLISHMENT OF PRICE CLASSIFICATIONS AND MINIMUM PRICES FOR THE COALS OF CERTAIN MINES IN DISTRICT NO. 8, NOT HERETOFORE CLASSIFIED AND PRICED, (DOCKET NO. A-750). IN THE MATTER OF THE PETITION OF DISTRICT BOARD 8 FOR THE ESTABLISHMENT OF PRICE CLASSIFICATIONS AND MINIMUM PRICES FOR THE COALS OF THE LIBERTY ELKHORN MINING COMPANY, LIBERTY MINE, MINE INDEX 585, OF DISTRICT NO. 8, NOT HERETOFORE CLASSIFIED AND PRICED. (DOCKET NO. A-750—PART II.)

An original petition, pursuant to section 4 II (d) of the Bituminous Coal Act of 1937, having been duly filed with this Division by the above-named party, requesting the establishment of price classifications and minimum prices for the coals of certain mines in District No. 8 not heretofore classified and priced, including the Liberty Elkhorn Mining Company, Liberty Mine, Mine Index No. 585; and

The Director having issued an order in the above-entitled matter on March 28, 1941, 6 F.R. 1889 (April 11, 1941) granting temporary relief and conditionally providing that such temporary relief shall become final sixty (60) days from the date thereof, unless the Director should otherwise order, which order, *inter alia*, established temporary and conditionally final prices for the Liberty Elkhorn Mining Company, Liberty Mine, Mine Index No. 585; and

The Liberty Elkhorn Mining Company having filed with this Division on April 7, 1941, a petition alleging that it is dissatisfied with the price classifications and minimum prices provided by the aforesaid order for coals produced at its Liberty Mine, Mine Index No. 585, and requesting revision thereof; and

The Director deeming his action, as hereinafter set forth, necessary in order to effectuate the purposes of the Act;

Now, therefore, it is ordered, That the portion of Docket No. A-750 relating to Mine Index No. 585 be, and it hereby is, severed from the balance of the subject matter thereof, and designated as Docket No. A-750—PART II.

It is further ordered, That the temporary relief heretofore provided in the order of the Director in Docket No. A-750, dated March 28, 1941, for Mine Index No. 585, be, and it hereby is, con-

tinued in effect until further order of the Director, but that such temporary relief shall not become final at the expiration of 60 days from March 28, 1941.

It is further ordered, That § 328.11 (Alphabetical list of code members) and § 328.34 (General prices for high volatile coals) are amended by deleting the classifications and prices set forth in the order of the Director in Docket No. A-750, dated March 28, 1941, 6 F.R. 1889 (April 11, 1941), for the Liberty Elkhorn Mining Company, Liberty Mine, Mine Index No. 585.

It is further ordered, That a hearing on the prayer for temporary and permanent relief in Docket No. A-750—PART II be held, under the applicable provisions of the Act and the rules and regulations of the Division, on May 16, 1941, at 10 o'clock a. m. (eastern standard time), at a hearing room of the Bituminous Coal Division, 734 15th Street NW., Washington, D. C. On said date the Chief of the Records Section in Room 502 will advise as to the room in which such hearing will be held.

It is further ordered, That W. A. Cuff or any other officer or officers of the Division duly designated for that purpose shall preside at the hearing in such matter. The officers so designated to preside at such hearing are hereby authorized to conduct said hearing, to administer oaths and affirmations, examine witnesses, compel their attendance, take evidence, require the production of any books, papers, correspondence, memoranda, or other records deemed relevant or material to the inquiry, to continue said hearing from time to time, and to prepare and submit to the Director proposed findings of fact and conclusions and the recommendation of an appro-

priate order in the premises, and to perform all other duties in connection therewith authorized by law.

Notice of such hearing is hereby given to all parties herein and to persons or entities having an interest in this proceeding and eligible to become parties herein. Any person desiring to be admitted as a party to this proceeding may file a petition of intervention in accordance with the rules and regulations of the Bituminous Coal Division for proceedings instituted pursuant to section 4 II (d) of the Act, setting forth the facts on the basis of which the relief in the original petition is supported or opposed or on the basis of which other relief is sought. Such petitions of intervention shall be filed with the Bituminous Coal Division on or before May 10, 1941.

All persons are hereby notified that the hearing in the above-entitled matter and any orders therein may concern, in addition to the matters specifically alleged in the petition, other matters necessarily incidental and related thereto, which may be raised by amendment of the original petition, petitions of interveners, or otherwise, or which may be necessary corollaries to the relief, if any granted on the basis of said original petition.

The matter concerned herewith is in regard to the establishment of permanent price classifications and minimum prices for coals produced by the Liberty Elkhorn Mining Company, Liberty Mine, Mine Index No. 585, a code member producer in District No. 8, which coals have not heretofore been so classified and priced.

Dated: April 24, 1941.

[SEAL]

H. A. GRAY,  
Director.

## TEMPORARY AND CONDITIONALLY FINAL EFFECTIVE MINIMUM PRICES FOR DISTRICT NO. 14

NOTE.—The material contained in this "Supplement R" is to be read in the light of the classifications, prices, instructions, exceptions and other provisions contained in Part 334, Minimum Price Schedule for District No. 14 and Supplements thereto.

## FOR ALL SHIPMENTS EXCEPT TRUCK

## § 334.5 Alphabetical list of code members—Supplement R

[Alphabetical list of code members showing price classification by size group for all uses except railroad locomotive fuel]

Mine index No.	Code member	Mine name	Production group No.	Freight origin group No.	1	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16	17	18	19	20
436	Blue Ribbon Coal Company (John Radcliff).	Blue Ribbon.....	7	12				D										B					Q	
209	Bokoshe Coal Company (Chester R. Oglesby).	Bokoshe Coal Co.	7	12				J		K	M	M	L	L	I			D	B	B	B	A	O	
437	Johnson-Simpson Coal Co. (Archie Johnson).	J & S.....	2	33				D		D	C	C	E	B	B	B	B	A	A	A			A	
430	Jones Coal Company (Neal Jones).	Jones.....	7	12				D										B					Q	
205	Rock Creek Coal Co. (Frank J. Scaramuzza).	Rock Creek.....	5	11				E										B					Q	
203	Rock Island Coal Co. (Floyd Dennis).	No. 1.....	6	18				D										B					Q	
488	Wilson Coal Company (J. J. Wilson).	Wilson Coal Co....	2	14				C										B					N	

[F. R. Doc. 41-3072; Filed, April 25, 1941; 11:40 a. m.]



[Docket No. A-781]

PART 329—MINIMUM PRICE SCHEDULE,  
DISTRICT No. 9

ORDER GRANTING TEMPORARY RELIEF AND CONDITIONALLY PROVIDING FOR FINAL RELIEF IN THE MATTER OF THE PETITION OF DISTRICT BOARD 9 FOR THE ESTABLISHMENT OF PRICE CLASSIFICATIONS AND MINIMUM PRICES FOR COALS PRODUCED FOR RAIL SHIPMENT BY CERTAIN MINES IN DISTRICT NO. 9, WHICH COALS HAVE NOT HERETOFORE BEEN CLASSIFIED AND PRICED

An original petition, pursuant to section 4 II (d) of the Bituminous Coal Act of 1937, having been duly filed with this Division by the above-named party, requesting the establishment, both temporary and permanent, of price classifications and minimum prices for coals produced for rail shipment by certain mines in District No. 9, which coals have not heretofore been so classified and priced; and

The Director finding that a reasonable showing of necessity has been made for the granting of temporary relief in the manner hereinafter set forth; and

No petitions of intervention having been filed with this Division in the above-entitled matter; and

## TEMPORARY AND CONDITIONALLY FINAL EFFECTIVE MINIMUM PRICES FOR DISTRICT NO. 9

NOTE.—The material contained in this "Supplement" is to be read in the light of the classifications, prices, instructions, exceptions and other provisions contained in Part 329, Minimum Price Schedule for District No. 9 and Supplements thereto.

## FOR ALL SHIPMENTS EXCEPT TRUCK

## § 329.5 Alphabetical list of code members—Supplement

Mine index No.	Code member index	Mine	Seam No.	Freight origin group No.
552	Bean, Earnest.....	Bean Coal Co.....	9	30
553	Blackwell, John.....	Blackwell.....	11	30
554	Devine, Will.....	None.....	11	30
555	Devine, Will and T. C. Warman.....	Pendley.....	11	30
556	Henry, Herman.....	Henry.....	9	60
557	H-Coal Truck Mines, Inc.....	Hi-Coal (Beshear).....	11	10
558	Kirtley, Frank.....	Kirtley.....	11	30
559	Knight, K.....	Knight.....	11	30
560	Lily Meade Coal & Land Co., Inc.....	Lily Meade.....	9	60
561	Nation, John (John Nation Coal Co.).....	No. 2.....	9	60
562	Scott, Nathan.....	Nathan Scott.....	9	60
563	Smith, W. R.....	No. 1.....	9	60
564	Trover Brothers (B. C. Trover).....	Trover or Cat Hill.....	9	30

The f. o. b. mine prices for coal shipped by Mine Index Nos. 552, 553, 554, 555, 556, 557, 558, 559, 560, 561, 562, 563, 564, are the same as the prices shown for Beech Creek Coal Company, Beech Creek Mine, mine index No. 1, in Part 329, Minimum Price Schedule for district No. 9 for all shipments except truck.

[F. R. Doc. 41-3056; Filed, April 25, 1941; 11:38 a. m.]

[Docket No. A-801]

PART 329—MINIMUM PRICE SCHEDULE,  
DISTRICT No. 9

ORDER GRANTING TEMPORARY RELIEF AND CONDITIONALLY PROVIDING FOR FINAL RELIEF IN THE MATTER OF THE PETITION OF DISTRICT BOARD 9 FOR THE ESTABLISHMENT OF PRICE CLASSIFICATIONS AND MINIMUM PRICES FOR COALS PRODUCED FOR RAIL AND TRUCK SHIPMENTS BY CERTAIN MINES IN DISTRICT NO. 9 WHICH COALS HAVE NOT HERETOFORE BEEN CLASSIFIED AND PRICED

An original petition, pursuant to section 4 II (d) of the Bituminous Coal Act of 1937, having been duly filed with this Division by the above-named party, requesting the establishment, both temporary and permanent, of price classifications and minimum prices for coals produced for rail and truck shipments by certain mines in District No. 9, which coals have not heretofore been so classified and priced; and

The Director finding that a reasonable showing of necessity has been made for the granting of temporary relief in the manner hereinafter set forth; and

No petitions of intervention having been filed with this Division in the above-entitled matter; and

## TEMPORARY AND CONDITIONALLY FINAL EFFECTIVE MINIMUM PRICES FOR DISTRICT NO. 9

NOTE.—The material contained in this Supplement is to be read in the light of the classifications, prices, instructions, exceptions and other provisions contained in Part 329, Minimum Price Schedule for District No. 9 and Supplements thereto.

## FOR ALL SHIPMENTS EXCEPT TRUCK

## § 329.5 Alphabetical list of code members—Supplement A

Mine index No.	Code member index	Mine	Seam No.	Freight origin group No.
1467	Fork, Bedie.....	Tapp & Fork.....	9	10
1468	Harvey & Fleming (James D. Fleming).....	H. & F.....	9	10
1469	Vanover, H. R.....	H. R. Vanover.....	9	60
1470	Ford, Earnest.....	Happy Hollow No. 2.....	6	30
1471	Orton, James W.....	Happy Hollow No. 1.....	6	30

The f. o. b. mine prices for coal shipped by Mine Index Nos. 467, 683, 521 to any Market Area in any size group and for any use, including Railroad Locomotive Fuel, are the same as the prices shown for Beech Creek Coal Company, Beech Creek mine, Mine Index No. 1, in Part 329, Minimum Price Schedule for District No. 9 for All Shipments Except Truck.

The f. o. b. mine prices for coal shipped by Mine Index Nos. 888 and 889 to any Market Area in any size group and for any use, including Railroad Locomotive Fuel, are the same as the prices shown for Dawson Daylight Coal Company, Dawson Daylight No. 6 mine, Mine Index No. 19, in Part 329, Minimum Price Schedule for District No. 9 for All Shipments Except Truck.

The Director deeming his action necessary in order to effectuate the purposes of the Act:

It is ordered, That, pending final disposition of the above-entitled matter, temporary relief be, and the same hereby is, granted as follows: Commencing forthwith, § 329.5 (Alphabetical list of code members) is amended by adding thereto Supplement A and § 329.24 (General price in cents per net ton for shipment into any market area) is amended by adding thereto Supplement B, which supplements dated April 12, 1941, are hereinafter set forth.

It is further ordered, That pleadings in opposition to the original petition in the above-entitled matter, and applications to stay, terminate, or modify the temporary relief herein granted may be filed with the Division within forty-five (45) days from the date of this order, pursuant to Rules and Regulations Governing Practice and Procedure before the Bituminous Coal Division in Proceedings Instituted Pursuant to section 4 II (d) of the Bituminous Coal Act of 1937.

It is further ordered, That the relief herein granted shall become final sixty (60) days from the date of this order, unless the Director shall otherwise order.

Dated: April 12, 1941.

[SEAL] DAN H. WHEELER,  
Acting Director.

The f. o. b. mine prices for coal shipped by Mine Index Nos. 467, 683, 521 to any Market Area in any size group and for any use, including Railroad Locomotive Fuel, are the same as the prices shown for Beech Creek Coal Company, Beech Creek mine, Mine Index No. 1, in Part 329, Minimum Price Schedule for District No. 9 for All Shipments Except Truck.



## TRUCK SHIPMENTS

§ 329.24 General prices in cents per net ton for shipment into any market area—  
Supplement B

Code member index	Mine index No.	Mine Seam	Prices and size group Nos.																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																											
			1, 2	3	4	5	6	7	8	9	10, 11, 12	13, 14,	15	16	17	18, 19, 20	21, 22	23, 24	25, 26	27, 28	29																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																									
HOPKINS COUNTY Sharber & Jockelyn (W. E. Sharber).	894 S & J....	#9	205	195	185	175	170	160	160	160	160	160	160	160	160	160	160	160	160	160	160	160	160	160	160	160	160	160	160	160	160	160	160	160	160	160	160	160	160	160	160	160	160	160	160	160	160	160	160	160	160	160	160	160	160	160	160	160	160	160	160	160	160	160	160	160	160	160	160	160	160	160	160	160	160	160	160	160	160	160	160	160	160	160	160	160	160	160	160	160	160	160	160	160	160	160	160	160	160	160	160	160	160	160	160	160	160	160	160	160	160	160	160	160	160	160	160	160	160	160	160	160	160	160	160	160	160	160	160	160	160	160	160	160	160	160	160	160	160	160	160	160	160	160	160	160	160	160	160	160	160	160	160	160	160	160	160	160	160	160	160	160	160	160	160	160	160	160	160	160	160	160	160	160	160	160	160	160	160	160	160	160	160	160	160	160	160	160	160	160	160	160	160	160	160	160	160	160	160	160	160	160	160	160	160	160	160	160	160	160	160	160	160	160	160	160	160	160	160	160	160	160	160	160	160	160	160	160	160	160	160	160	160	160	160	160	160	160	160	160	160	160	160	160	160	160	160	160	160	160	160	160	160	160	160	160	160	160	160	160	160	160	160	160	160	160	160	160	160	160	160	160	160	160	160	160	160	160	160	160	160	160	160	160	160	160	160	160	160	160	160	160	160	160	160	160	160	160	160	160	160	160	160	160	160	160	160	160	160	160	160	160	160	160	160	160	160	160	160	160	160	160	160	160	160	160	160	160	160	160	160	160	160	160	160	160	160	160	160	160	160	160	160	160	160	160	160	160	160	160	160	160	160	160	160	160	160	160	160	160	160	160	160	160	160	160	160	160	160	160	160	160	160	160	160	160	160	160	160	160	160	160	160	160	160	160	160	160	160	160	160	160	160	160	160	160	160	160	160	160	160	160	160	160	160	160	160	160	160	160	160	160	160	160	160	160	160	160	160	160	160	160	160	160	160	160	160	160	160	160	160	160	160	160	160	160	160	160	160	160	160	160	160	160	160	160	160	160	160	160	160	160	160	160	160	160	160	160	160	160	160	160	160	160	160	160	160	160	160	160	160	160	160	160	160	160	160	160	160	160	160	160	160	160	160	160	160	160	160	160	160	160	160	160	160	160	160	160	160	160	160	160	160	160	160	160	160	160	160	160	160	160	160	160	160	160	160	160	160	160	160	160	160	160	160	160	160	160	160	160	160	160	160	160	160	160	160	160	160	160	160	160	160	160	160	160	160	160	160	160	160	160	160	160	160	160	160	160	160	160	160	160	160	160	160	160	160	160	160	160	160	160	160	160	160	160	160	160	160	160	160	160	160	160	160	160	160	160	160	160	160	160	160	160	160	160	160	160	160	160	160	160	160	160	160	160	160	160	160	160	160	160	160	160	160	160	160	160	160	160	160	160	160	160	160	160	160	160	160	160	160	160	160	160	160	160	160	160	160	160	160	160	160	160	160	160	160	160	160	160	160	160	160	160	160	160	160	160	160	160	160	160	160	160	160	160	160	160	160	160	160	160	160	160	160	160	160	160	160	160	160	160	160	160	160	160	160	160	160	160	160	160	160	160	160	160	160	160	160	160	160	160	160	160	160	160	160	160	160	160	160	160	160	160	160	160	160	160	160	160	160	160	160	160	160	160	160	160	160	160	160	160	160	160	160	160	160	160	160	160	160	160	160	160	160	160	160	160	160	160	160	160	160	160	160	160	160	160	160	160	160	160	160	160	160	160	160	160	160	160	160	160	160	160	160	160	160	160	160	160	160	160	160	160	160	160	160	160	160	160	160	160	160	160	160	160	160	160	160	160	160	160	160	160	160	160	160	160	160	160	160	160	160	160	160	160	160	160	160	160	160	160	160	160	160	160	160	160	160	160	160	160	160	160	160	160	160	160	160	160	160	160	160	160	160	160	160	160	160	160	160	160	160	160	160	160	160	160	160	160	160	160	160	160	160	160	160	160	160	160	160	160	160	160	160	160	160	160	160	160	160	160	160	160	160	160	160	160	160	160	160	160	160	160	160	160	160	160	160	160	160	160	160	160	160	160	160	160	160	160	160	160	160	160	160	160	160	160	160	160	160	160	160	160	160	160	160	160	160	160	160	160	160	160	160	160	160	160	160	160	160	160	160	160	160	160	160	160	160	160	160	160	160	160	160	160	160	160	160	160	160	160	160	160	160	160	160	160	160	160	160	160	160	160	160	160	160	160	160	160	160	160	160	160	160	160	160	160	160	1

[F. R. Doc. 41-3067; Filed, April 25, 1941; 11:39 a. m.]

[Docket No. A-770]

PART 330—MINIMUM PRICE SCHEDULE,  
DISTRICT NO. 10

ORDER GRANTING TEMPORARY RELIEF AND CONDITIONALLY PROVIDING FOR FINAL RELIEF IN THE MATTER OF THE PETITION OF DISTRICT BOARD 10 FOR THE ESTABLISHMENT OF PRICE CLASSIFICATIONS AND MINIMUM PRICES FOR COALS PRODUCED FOR RAIL SHIPMENT BY CERTAIN PRODUCERS IN DISTRICT NO. 10, WHICH COALS HAVE NOT HERETOFORE BEEN SO CLASSIFIED AND PRICED

An original petition, pursuant to section 4 II (d) of the Bituminous Coal Act of 1937, having been duly filed with this Division by the above-named party, requesting the establishment of price classifications and minimum prices for coals produced for rail shipment by certain producers in District No. 10, which coals have not heretofore been so classified and priced;

The Director finding that a reasonable showing of necessity has been made for the granting of temporary relief in the manner hereinafter set forth; and

No petitions of intervention having been filed with this Division in the above-entitled matter; and

The Director deeming his action necessary in order to effectuate the purposes of the Act;

It is ordered, That, pending final disposition of the above-entitled matter, temporary relief be, and the same hereby is, granted as follows: Commencing forthwith, § 330.2 (Mine index numbers) is amended by adding thereto the supplement dated April 7, 1941, which is hereinafter set forth.

It is further ordered, That pleadings in opposition to the original petition in the above-entitled matter, and applications to stay, terminate, or modify the temporary relief herein granted may be filed with the Division within forty-five (45) days from the date of this Order, pursuant to Rules and Regulations Governing Practice and Procedure before the Bituminous Coal Division in Proceedings Instituted Pursuant to section 4 II (d) of the Bituminous Coal Act of 1937.

It is further ordered, That the relief herein granted shall become final sixty (60) days from the date of this Order, unless the Director shall otherwise order.

Dated: April 7, 1941.

[SEAL]

H. A. GRAY,  
Director.

TEMPORARY AND CONDITIONALLY FINAL EFFECTIVE MINIMUM PRICES FOR DISTRICT NO. 10

NOTE.—The material contained in this "Supplement" is to be read in the light of the classifications, prices, instructions, exceptions and other provisions contained in Part 330, Minimum Price Schedule for District No. 10 and Supplements thereto.

## FOR ALL SHIPMENTS EXCEPT TRUCK

## § 330.2 Mine index numbers—Supplement

Price Group	Producer	Mine	Mine Index No.	Freight origin group	Shipping point	Railroad
5	Crab Orchard Coal Company (Lonis Pulley).	Crab Orchard.....	1191	134	Marion, Ill.....	I. C.
25	Reed Coal Company (Geo. B. Reed).....	Reed Coal Co.....	717	94	Glasford, Ill.....	T. P. & W.

1 The f. o. b. mine prices for Mine Index No. 1191, shall be the same as the prices provided for the mines in Price Group 5 and Freight Origin Group 134 in Price Schedule for District No. 10 for All Shipments Except Truck and shall be subject to the same adjustments in f. o. b. mine prices for differences in freight rates as are therein provided for other mines in Freight Origin Group 134 having the same freight rates as Mine Index 1191; and on shipments for railroad locomotive fuel, the f. o. b. mine prices for Mine Index 1191 shall be: Mine Run—\$2.15, Screenings—\$1.70 per ton f. o. b. cars Marion, Illinois.

2 Mine Index No. 717 shall be included in Price Group 25 and shall take the same f. o. b. mine prices as other mines in Price Group 25, Schedule for District 10, on all size groups and for shipment to all Market Areas and for all uses exclusive of railroad locomotive fuel, provided, however, that these f. o. b. mine prices apply on board transportation facilities at Glasford, Illinois. For shipments to the Cities of Peoria and Peoria, Illinois in Market Area 8, the f. o. b. mine prices stated above shall be increased 12¢ per ton. The railroad locomotive fuel prices shall be: Mine Run—\$2.00, Screenings—\$1.40 f. o. b. cars, Glasford, Illinois.

[F. R. Doc. 41-3068; Filed, April 25, 1941; 11:39 a. m.]

[Docket No. A-599]

PART 339—MINIMUM PRICE SCHEDULE,  
DISTRICT NO. 19

ORDER GRANTING TEMPORARY RELIEF AND CONDITIONALLY PROVIDING FOR FINAL RELIEF IN THE MATTER OF THE PETITION OF DISTRICT BOARD NO. 19 FOR THE ESTABLISHMENT OF PRICE CLASSIFICATIONS AND MINIMUM PRICES FOR THE COALS OF CERTAIN MINES IN DISTRICT NO. 19, NOT HERETOFORE CLASSIFIED AND PRICED

An original petition, pursuant to section 4 II (d) of the Bituminous Coal Act of 1937, having been duly filed with this Division by the above-named party, requesting the establishment, both temporary and permanent, of price classifications and minimum prices for the coals

of certain mines in District No. 19, not heretofore classified and priced; and

No petitions of intervention having been filed with the Division in the above-entitled matter; and

The Director finding that a reasonable showing of necessity has been made for the granting of temporary relief in the manner hereinafter set forth; and

The Director deeming this action necessary in order to effectuate the purposes of the Act;

Now, therefore, it is ordered, That, pending final disposition of the above-entitled matter, temporary relief is granted as follows: Commencing forthwith § 339.4 (Code member price index) is amended by adding thereto Supplement A and § 339.5 (General prices; minimum prices for shipment via rail trans-



portation) is amended by adding thereto Supplement B, which supplements dated April 7, 1941, are hereinafter set forth.

It is further ordered, That pleadings in opposition to the original petition in the above-entitled matter, and applications to stay, terminate or modify the temporary relief herein granted, may be filed with the Division within forty-five (45) days from the date of this Order, pursuant to Rules and Regulations Governing

Practice and Procedure before the Bituminous Coal Division in Proceedings Instituted Pursuant to Section 4 II (d) of the Bituminous Coal Act of 1937.

It is further ordered, That the relief herein granted shall become final sixty (60) days from the date of this Order, unless the Director shall otherwise order.

Dated: April 7, 1941.

[SEAL]

H. A. GRAY,  
Director.

#### TEMPORARY AND CONDITIONALLY FINAL EFFECTIVE MINIMUM PRICES FOR DISTRICT NO. 19

NOTE.—The material contained in this "Supplement" is to be read in the light of the classifications, prices, instructions, exceptions and other provisions contained in Part 339, Minimum Price Schedule for District No. 19 and Supplements thereto.

##### FOR ALL SHIPMENTS

#### § 339.4 Code member price index—Supplement A

The following shall be listed in proper alphabetical order:

Code member	Mine	Mine index No.	County	Sub-district price group
Monolith Portland Midwest Company.....	Monolith.....	38	Carbon.....	3
Thayer, Sidney.....	Nebraska.....	219	Carbon.....	3
Noble, Fred.....	Tibbetts.....	222	Sheridan.....	7
Townsend, E. S.....	Townsend.....	218	Sheridan.....	7
Griffiths, Laramie.....	Sand Creek.....	221	Converse.....	9
Joslyn, W. C.....	Joslyn.....	220	Campbell.....	9

#### § 339.5 General prices; minimum prices for shipment via rail transportation—Supplement B

Insert the following Code Member names, mine names, counties and prices in proper alphabetical order:

Code member	Mine	County	Size groups																
			1	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16	17
SUB-DISTRICT NO. 3																			
Monolith Portland Mid-west Company.	Monolith	Carbon	300	300	300	300	275	275	275	275	200	175	...	200	200	...	150	150	75
Thayer, Sidney	Nebraska	Carbon	300	300	300	300	275	275	275	275	200	175	...	200	200	...	150	150	75
SUB-DISTRICT NO. 7																			
Noble, Fred	Tibbetts	Sheridan	280	280	270	260	260	260	220	220	160	135	...	170	...	90	90	...	...
Townsend, E. S.	Townsend	Sheridan	280	280	270	260	260	260	220	220	160	135	...	170	...	90	90	...	...
SUB-DISTRICT NO. 9																			
Griffiths, Laramie	Sand Creek	Converse	...	240	240	240	240	240	220	220	125	125	...	150	...	125	125	100	50
Joslyn, W. C.	Joslyn	Campbell	...	240	240	240	240	240	220	220	125	125	...	150	...	125	125	100	50

[F. R. Doc. 41-3070; Filed, April 25, 1941; 11:40 a. m.]

[Dockets Nos. A-528, A-550, A-550, Part II]

#### PART 328—MINIMUM PRICE SCHEDULE, DISTRICT NO. 8

ORDER OF SEVERANCE AND ORDER MODIFYING THE CONDITIONALLY FINAL RELIEF GRANTED IN RESPECT TO MINE INDEX NO. 610 AND MINE INDEX NO. 3246 BY ORDER HEREIN DATED JANUARY 31, 1941, IN THE MATTER OF PETITION OF BITUMINOUS COAL PRODUCERS BOARD FOR DISTRICT NO. 8 FOR PRELIMINARY, OR TEMPORARY, AND PERMANENT ORDER FOR ESTABLISHMENT OF MINIMUM PRICES FOR COALS PRODUCED IN DISTRICT NO. 8 BY CODE MEMBERS FOR

WHICH SUCH CLASSIFICATIONS AND PRICES HAVE NOT BEEN ESTABLISHED

An original petition pursuant to section 4 II (d) of the Bituminous Coal Act of 1937 was filed by District Board No. 8

#### SUBDISTRICT NO. 6, SOUTHERN APPALACHIAN, SCOTT COUNTY, TENNESSEE

Mine index No.	Code member index	Mine	1	2	3	4	5	6	7	8
610	Pemberton, H. F.....	H. F. Pemberton, Glen Mary #3.	\$2.55	\$2.35	\$2.15	\$2.10	\$2.00	\$2.05	\$1.55	\$1.50
3246	Webb, D. E. and Dillard Phillips.	Webb & Phillips, Glen Mary.	2.55	2.35	2.15	2.10	2.00	2.05	1.55	1.50

in Docket No. A-550 proposing price classifications and minimum prices for the coals of certain mines in that district not theretofore classified and priced. Among the mines included in that petition are Mine Index No. 610 operated by H. F. Pemberton and Mine Index No. 3246 operated by D. E. Webb and Dillard Phillips. Temporary and conditionally final minimum prices were established for these mines by an order of the Director dated January 31, 1941, in Dockets Nos. A-528 and A-550, 6 F.R. 988 (February 15, 1941). Subsequent thereto and on or about March 28, 1941, the original petitioner made application to modify the relief thus granted with respect to Mine Index Nos. 610 and 3246, on the ground that if such minimum prices for these mines are continued in effect and made permanent there will be created an unfair and destructive competitive situation between these mines and other mines in District No. 8 and that the prices so established for these mines do not properly reflect the market value of the coal. Said application proposes and requests the establishment of price classifications and minimum prices for Mine Index Nos. 610 and 3246 which allegedly conform more properly to the standards of the Bituminous Coal Act of 1937.

It appears that due notice of the filing of said application was given to all persons interested in said matter and that no opposition has appeared in the premises and the Director having duly considered said application and the subject matter thereof;

Now, therefore, it is hereby ordered, That, a reasonable showing of the necessity therefor having been made, the portion of Docket No. A-550 relating to Mine Index Nos. 610 and 3246 be, and the same hereby is, separated from the remainder of Docket No. A-550 and designated as Docket No. A-550, Part II.

It is further ordered, That a reasonable showing of the necessity therefor having been made, pending final disposition of the petition in Docket No. A-550, Part II, the minimum prices heretofore established for Mine Index Nos. 610 and 3246 are hereby modified and the following prices are temporarily established, pending final disposition of the petition in Docket No. A-550, Part II: Commencing forthwith § 328.34 (General prices for high volatile coals in cents per net ton for shipment into all market areas) is amended by adding thereto the following:



It is further ordered, That the relief hereinabove granted shall become permanent sixty (60) days from the date hereof unless the Director shall otherwise order.

It is further ordered, Except as herein provided, the Order in Dockets Nos. A-528 and A-550, dated January 31, 1941, shall continue in full force and effect.

It is further ordered, That applications to stay, terminate or modify the foregoing temporary relief or pleadings in opposition to the final relief requested in connection therewith, may be filed within forty-five (45) days from the date hereof pursuant to the Rules and Regulations Governing Practice and Procedure Before the Division in Proceedings Instituted Pursuant to section 4 II (d) of the Bituminous Coal Act of 1937.

Dated: April 25, 1941.

[SEAL]

H. A. GRAY,  
Director.

[F. R. Doc. 41-3101; Filed, April 28, 1941;  
11:03 a. m.]

[Docket No. A-460]

PART 334—MINIMUM PRICE SCHEDULE,  
DISTRICT NO. 14

ORDER GRANTING TEMPORARY RELIEF AND  
CONDITIONALLY PROVIDING FOR FINAL RE-

Mine index No.	Code member	Mine name	Prod. grp. No.	Frt. origin grp. No.	1	2	13	14	15	16	18
427	Skidmore Bros. Coal Co. (H. W. Skidmore).	Skidmore.....	1	30	A	A	C	A	A	A	A

It is further ordered, That applications to stay, terminate or modify the foregoing temporary relief, or pleadings in opposition to the final relief requested in said petition, may be filed within forty-five (45) days from date hereof, pursuant to the Rules and Regulations Governing Practice and Procedure Before the Division in Proceedings Instituted Pursuant to section 4 II (d) of the Act; and

It is further ordered, That the relief hereinabove granted shall become permanent sixty (60) days from the date hereof unless the Director shall otherwise order.

Dated: April 25, 1941.

[SEAL]

H. A. GRAY,  
Director.

[F. R. Doc. 41-3100; Filed, April 28, 1941;  
11:03 a. m.]

No. 83—3

LIEF IN THE MATTER OF THE PETITION OF SKIDMORE BROS. COAL COMPANY, A CODE MEMBER IN DISTRICT NO. 14, FOR THE ESTABLISHMENT OF PRICE CLASSIFICATIONS AND MINIMUM PRICES FOR COALS NOT HERETOFORE CLASSIFIED AND PRICED FOR ALL SHIPMENTS EXCEPT TRUCK

An original petition, pursuant to section 4 II (d) of the Bituminous Coal Act of 1937, having been duly filed with this Division by Skidmore Bros. Coal Company (H. W. Skidmore) for the establishment, both temporary and final, of price classifications and minimum prices for the coals of its Skidmore Mine, Mine Index No. 427 in District No. 14, not heretofore classified and priced for all shipments except truck; and

The Director finding that a reasonable showing of necessity has been made for the granting of temporary relief in the manner hereinafter set forth, and no petitions of intervention having been filed with the Division in the above-entitled matter;

Now, therefore, it is ordered, That pending final disposition of the above-entitled matter, temporary relief is granted as follows: Commencing forthwith \$ 334.5 (Alphabetical list of code members) is amended by adding thereto the following:

TITLE 32—NATIONAL DEFENSE  
CHAPTER VIII—ADMINISTRATOR OF  
EXPORT CONTROL

EXPORT CONTROL SCHEDULE No. 5

By virtue of the Military Order of July 2, 1940,<sup>1</sup> and Executive Order No. 8712<sup>2</sup> of March 15, 1941, I, Russell L. Maxwell, Administrator of Export Control, have determined that effective April 24, 1941, the forms conversions and derivatives of sole leather (Item (3) of Proclamation No. 2460<sup>3</sup> of February 25, 1941) shall consist of the following (superseding the pertinent part of Export Control Schedule No. 1):<sup>4</sup>

<sup>1</sup> 5 F.R. 2491.

<sup>2</sup> 6 F.R. 1501.

<sup>3</sup> 5 F.R. 1155.

<sup>4</sup> 6 F.R. 1536.

The numbers appearing in the columns designated B and F in the following schedule refer to the numbers in Schedule B, "Statistical Classification of Domestic Commodities Exported from the United States," and Schedule F, "Foreign Exports (Re-Exports, i. e., merchandise exported from the United States in the same condition as imported)," respectively, both effective January 1, 1941, issued by the United States Department of Commerce. The words are controlling and the numbers are included solely for the purpose of statistical classification. An asterisk (\*) indicates that the classification herein is not coextensive with that in said Schedules B and F.

ANIMAL PRODUCTS

Unit of Quantity	Commodity description	Commodity Nos.	
		B	F
	LEATHER		
Lb.....	Sole leather:		
Lb.....	Bends, backs, and sides.....	0324	0324
	Cut soles, outer.....	8327	0324

The forms, conversions and derivatives above listed shall not include any of the articles named when exported in individual shipments not exceeding \$25 in value; provided, that licenses may be required for any such exportation when the Administrator determines that it is necessary in the interest of the national defense.

By direction of the President.

RUSSELL L. MAXWELL,  
Brigadier General, U. S. Army,  
Administrator of Export Control.

APRIL 24, 1941.

[F. R. Doc. 41-3077; Filed, April 25, 1941;  
2:13 p. m.]

Notices

WAR DEPARTMENT.

[Contract No. W-ORD-473; supplement 1]

SUMMARY OF SUPPLEMENTAL CONTRACT TO  
FIXED-PRICE (LUMP SUM) CONSULTANT  
SERVICE AND COST-PLUS-A-FIXED-FEE  
OPERATION CONTRACT<sup>1</sup>

CONTRACTOR: E. I. DU PONT DE NEMOURS &  
COMPANY, WILMINGTON, DELAWARE

Fixed fee for consultant service under  
Title I: (Original) \$100,000.00. (Addi-  
tional) \$80,000.00.

<sup>1</sup> Approved by The Assistant Secretary of  
War, October 18, 1940.



Fixed fee for operation under Title II:  
(Original) \* \* \* per lb. TNT,  
\* \* \* per lb. DNT. (Additional)  
\* \* \* per lb. TNT, \* \* \* per  
lb. DNT, \* \* \* per lb. Tetryl.

Contract for: Supplemental contract to increase capacity of Plant covered by original contract No. W-ORD-473 for the manufacture of TNT and DNT, and to include unit for the manufacture of tetryl.

Place: Wilmington, Illinois.

Estimated cost of operation of plant:  
For manufacture of TNT and DNT  
(Original) \$6,700,000.00. (Additional)  
\$7,460,000.00. For manufacture of Tetryl  
\$3,600,000.00.

The supplies and services to be obtained by this instrument are authorized by, are for the purpose set forth in, and are chargeable to the following Procurement Authorities, the available balances of which are sufficient to cover the cost of the same:

ORD 7398 P-99 A0141-01

ORD 7399 P-99 A1041-01

ORD 7052 P-11-0270 A 1005-01

ORD 6948 P-11-0270 A 1005-01

This supplemental contract, entered into this 17th day of October 1940.

Whereas there is now in force between the parties hereto a certain contract which provides for the furnishing of consultant services in connection with the designing, equipping and construction, of a plant for the manufacture of TNT and DNT, preparation for operation of said plant (including training of key personnel), and for the operation of such plant by the Contractor for the Government at or near Wilmington, Illinois, said contract bearing date September 13, 1940, being identified by the Government as "Contract No. W-ORD-473" and being hereinafter sometimes referred to as the "contract of September 13."

Now therefore, the parties hereto do mutually agree that the said contract of September 13 shall be and it is hereby modified in the following particulars:

1. Change Article I-A Title I (page 3), to read:

The construction project (hereinafter referred to as "the Plant") shall comprise a plant near Wilmington, Illinois, for the manufacture of trinitrotoluene (hereinafter referred to as "TNT") and dinitrotoluene (hereinafter referred to as "DNT"), and tetryl, having an estimated capacity of \* \* \* lbs. of TNT, \* \* \* lbs. of DNT, and \* \* \* lbs. of tetryl per day of 24 hours.

3. Change Article I-C, Title I (page 4), to read:

As complete consideration for its undertakings under this Title I the Contractor shall receive the sum of one hundred eighty thousand dollars (\$180,000.00).

Payment of one hundred thousand dollars (\$100,000.00) of the consideration provided in section 1 of this Article I-C shall be made to the Contractor in seven (7) equal monthly installments: and payment of eighty thousand dollars (\$80,-

000.00) of the consideration provided in section 1 of this Article I-C shall be made to the Contractor in seven (7) equal monthly installments.

4. Change section 2, Article II-A, Title II (page 5), to read:

As each operating line of the Plant is completed and ready for operation, the Contractor shall proceed to operate it for the production of TNT, DNT and tetryl in the quantities set forth in this Article.

5. Change section 3, Article II-A, Title II (page 5), to read:

The initial quantities of TNT, DNT and tetryl to be produced hereunder shall be \* \* \* pounds, \* \* \* pounds and \* \* \* pounds, respectively.

7. Change Article II-B, Title II (page 6), to read:

It is estimated that the total cost of the Contractor's performance under Title II of this contract in producing the initial quantities of TNT, DNT and tetryl will be approximately seventeen million seven hundred and sixty thousand dollars (\$17,760,000.00), exclusive of the Contractor's fee.

8. Change section 2, Article II-C, Title II (page 6), to read:

A fixed fee of \* \* \* per pound of TNT, \* \* \* per pound of DNT, and \* \* \* per pound of tetryl, manufactured hereunder in conformity with specifications.

9. Change Article II-F, Title II (pages 8 and 9), to read:

The Contracting Officer may after consultation with the Contractor, by a written order and without notice to the sureties, require changes in or additions to the specifications for the manufacture of the TNT, DNT and tetryl, issue additional instructions, require additional work, within the limitations of the Plant, or direct the omission of work covered by Title II.

13. Change paragraph (a), section 2, Article III-B, Title III (page 15), to read:

The Government shall currently reimburse the Contractor for expenditures made in accordance with Article III-A of this Title III (other than those for which payment is provided in paragraph (b) of this section (2) upon certification to and verification by the Contracting Officer of the original certified payrolls for labor, or the original paid invoices for materials, or other original papers or other evidence satisfactory to the Contracting Officer. Reimbursement will be made weekly but may be made at more frequent intervals if the conditions so warrant.

15. Change section 3, Article III-B, Title III (page 15), to read:

The fixed fee provided for in Title II, based on the quantities of TNT, DNT, and tetryl manufactured hereunder, shall be paid promptly after the close of the

calendar month in which such finished product is inspected and accepted.

This contract is authorized by the following law: Act of July 2, 1940 (Public, No. 703, 76th Cong.)

FRANK W. BULLOCK,  
Major, Signal Corps,  
Assistant to the Director of  
Purchases and Contracts.

[F. R. Doc. 41-3091; Filed, April 28, 1941;  
9:55 a. m.]

[Contract No. W 535 ac-17966; 4464]

SUMMARY OF CONTRACT FOR SUPPLIES<sup>1</sup>

CONTRACTOR: RELIANCE MANUFACTURING  
COMPANY

Contract for: Types \* \* \* and  
\* \* \* Parachutes and Parts Therefor.  
Amount: \$1,155,800.00.

Place: Materiel Division, Air Corps,  
U. S. Army, Wright Field, Dayton, Ohio.

The supplies and services to be obtained by this instrument are authorized by, are for the purpose set forth in, and are chargeable to Procurement Authority AC 30 P 85-3055 A 0705-01, the available balance of which is sufficient to cover cost of same.

This contract, entered into this thirteenth day of March 1941.

**Scope of this contract.** The contractor shall furnish and deliver Types \* \* \* Parachute and Parts therefor for the consideration stated one million one hundred fifty-five thousand eight hundred dollars (\$1,155,800.00) in strict accordance with the specifications, schedules and drawings, all of which are made a part hereof.

**Changes.** Where the supplies to be furnished are to be specially manufactured in accordance with drawings and specifications, the contracting officer may at any time, by a written order and without notice to the sureties, make changes in the drawings or specifications, except Federal Specifications. Changes as to shipment and packing of all supplies may also be made as above provided.

**Delays—Damages.** If the contractor refuses or fails to make deliveries of the materials or supplies within the time specified in Article 1, or any extension thereof, the Government may by written notice terminate the right of the contractor to proceed with deliveries or such part or parts thereof as to which there has been delay.

**Payments.** The contractor shall be paid, upon the submission of properly certified invoices or vouchers, the prices stipulated herein for articles delivered and accepted or services rendered, less deductions, if any, as herein provided. Unless otherwise specified, payments will be made on partial deliveries accepted by the Government when the amount due on such deliveries so warrants; or, when requested by the contractor, payments for accepted partial deliveries shall be made whenever such payments would

<sup>1</sup> Approved by the Under Secretary of War, March 31, 1941.



equal or exceed either \$1,000 or 50 percent of the total amount of the contract.

*Termination when contractor not in default.* If, in the opinion of the contracting officer upon the approval of the Secretary of War, the best interests of the Government so require, this contract may be terminated by the Government, even though the contractor be not in default, by a notice in writing relative thereto from the contracting officer to the contractor.

This contract authorized under the provisions of section 1 (a); Act of July 2, 1940.

FRANK W. BULLOCK,  
Major, Signal Corps,  
Assistant to the Director of  
Purchases and Contracts.

[F. R. Doc. 41-3090; Filed, April 28, 1941;  
9:54 a. m.]

## NAVY DEPARTMENT.

[NOY-4731]

### SUMMARY OF CONTRACT FOR CONSTRUCTION

CONTRACTOR: THOMPSON-STARRETT COMPANY, INC., 444 MADISON AVENUE, NEW YORK, NEW YORK

On April 10, 1941, the Navy Department entered into a contract (NOY-4731) with Thompson-Starrett Company, Inc., of New York, New York, for the construction of Foundry and extension to Structural Shop at the Navy Yard, New York, New York, at an estimated cost of \$1,650,000 including a fixed fee of \$68,000 payable to the Contractors.

The contract, among other things, further provides that the Navy Department may at any time make changes in approved drawings and/or specifications and, if such changes or additions to or omissions from the original project cause a material increase or decrease in the amount or character of the work to be done under the contract, or in the time required for its performance, an equitable adjustment in the amount of the fixed fee to be paid to the Contractors shall be made and the contract shall be modified accordingly. The contract also contains provisions for the termination of the contract by the Government and for an equitable settlement with the Contractors under the contract in the case of such termination.

B. MOREELL,  
Chief of Bureau.

[F. R. Doc. 41-3078; Filed, April 26, 1941;  
9:26 a. m.]

[NOY-4732]

### SUMMARY OF CONTRACT FOR CONSTRUCTION

CONTRACTORS: MACDOUGALD CONSTRUCTION COMPANY, FOOT OF BRIGADE ST., P. O. BOX 275, CHARLESTON, SOUTH CAROLINA

On April 10, 1941, the Navy Department entered into a contract (NOY-4732) with the MacDougald Construction Company, Charleston, South Carolina, for the construction of a shipbuilding dry dock at the Navy Yard, Charleston, South Carolina, at an estimated cost of \$2,465,000 including a fixed fee of \$104,000 payable to the Contractor.

The contract, among other things, further provides that the Navy Department may at any time make changes in approved drawings and/or specifications and, if such changes or additions to or omissions from the original project cause a material increase or decrease in the amount or character of the work to be done under the contract, or in the time required for its performance, an equitable adjustment in the amount of the fixed fee to be paid to the Contractors shall be made and the contract shall be modified accordingly. The contract also contains provisions for the termination of the contract by the Government and for an equitable settlement with the Contractors under the contract in the case of such termination.

B. MOREELL,  
Chief of Bureau.

[F. R. Doc. 41-3079; Filed, April 26, 1941;  
9:26 a. m.]

## DEPARTMENT OF THE INTERIOR.

### Bituminous Coal Division.

[Docket No. 1540-FD]

IN THE MATTER OF COSTANZO COAL MINING COMPANY, DISTRICT 6, REGISTRATION NO. 1897, DEFENDANT

### NOTICE OF AND ORDER FOR HEARING

The Bituminous Coal Division finds it necessary in the proper administration of the Bituminous Coal Act of 1937 (the Act) to determine whether or not Costanzo Coal Mining Company, a registered distributor, Registration No. 1897, whose address is Post Office Box 310, Wheeling, West Virginia, has violated the Bituminous Coal Code or regulations thereunder in any manner including, but not in limitation thereof, the following:

I. Has violated section 4 II (h) of the Act, sections (b) and (e) of the agreement executed by Costanzo Coal Mining Company, pursuant to the order of the National Bituminous Coal Commission, dated March 24, 1939, in General Docket No. 12, the Effective Minimum Price Schedule for District No. 6, Marketing Rules and Regulations, and the Director's Order Prescribing Due and Reasonable Maximum Discounts and Establishing Rules and Regulations for Registration of Distributors:

(1) By purchasing 3/4" slack at its loading facilities near Warwood, West Virginia, at a delivered price of \$1.13 per ton, which is below the effective minimum f. o. b. mine price of \$1.90 per ton established therefor, and reselling such coal to W. H. Warner & Company, Inc., and delivering it to the Toronto, Ohio plant of the Ohio Edison Company, at a delivered price of \$1.45 per ton as follows:

Produced by	Oct. 1940	Nov. 1940	Dec. 1940
Hitchman Coal & Coke Co.	Tons 2001.30	Tons \$412.90	Tons 2672.20
Clean Coal Co.	337.35	130.55	89.95
Boggs Run Mining Co.	182.75	11.55	85.70
City Coal Co.	410.40	15.25	70.75
Reymann Coal Co.	321.40		
Woodsdale Fuel Co.	290.20	68.50	
Short Creek Coal Co.	36.10		
Liberty Coal Co.	63.95		
Reliable Coal Co.	279.00	15.20	
Perry Coal Co.	19.40		
Total.....	\$941.85	\$653.95	\$294.60

(2) By accepting and retaining a discount of 12 cents per net ton and allowing an additional discount of 5 cents per net ton to the W. H. Warner & Company, Inc., on the above transactions.

(3) By failing to add all of the actual transportation charges, handling charges, and incidental charges of whatsoever kind or character from transportation facilities at the mine to the point from which all such charges were assumed and directly paid by the purchaser.

II. Has violated sections 4 II (h) and 4 II (i) of the Act, Paragraphs (a), (b), and (e) of the above mentioned agreement executed by Costanzo Coal Mining Company, the Marketing Rules and Regulations of §§ 304.12 (b) (1), (4), and (5), and 304.19 (a) of the Rules and Regulations for the Registration of Distributors:

(1) By allowing to J. Q. Clarke Coal Company, Inc., a discount of 17 cents per net ton from the effective minimum prices on 171 cars of coal sold to said J. Q. Clarke Coal Company, Inc., by the defendant during the period October 1, 1940, to February 4, 1941, both dates inclusive, which was produced at the Costanzo and Richland mines of the Wheeling Valley Coal Company, a Code Member, and which coal was resold by said J. Q. Clarke Coal Company, Inc., in less than cargo or railroad carload lots and which was physically handled by it in making such resales.

(2) By selling to J. Q. Clarke Coal Company, Inc., during the period October 17, 1940, to February 3, 1941, both dates inclusive, 12 cars of coal produced at the Costanzo and Richland mines of the Wheeling Valley Coal Company, a Code Member, which was resold by J. Q. Clarke Coal Company, Inc., to other than retail dealers as hereinafter set forth, and granting J. Q. Clarke Coal Company, Inc., a discount of 17 cents per ton on such sales, whereas the Director's Order Prescribing Due and Reasonable Maximum Discounts provides that not more than 12 cents per ton may be granted as a discount upon such sales:

Date of sale to Clarke:	Consumer
10/17/40.....	International Railway Co.
10/17/40.....	International Railway Co.
11/16/40.....	George Urban Milling Co.
12/2/40.....	Niagara Macaroni Corp.
12/9/40.....	H. J. Heinz Company
12/14/40.....	George Irish Paper Co.
12/16/40.....	George Urban Milling Co.
1/13/41.....	George Urban Milling Co.
1/16/41.....	Niagara Macaroni Mfg. Co.



Date of sale to Clarke—

Continued.

Consumer

1/20/41..... Eastern Grain Elevator Co.  
2/1/41..... Niagara Macaroni Co.  
2/3/41..... George Urban Milling Co.

III. Has violated section 4 II (h) of the Act and sections (b) and (e) of the above-mentioned agreement executed by Costanzo Coal Mining Company, by selling substantial quantities of coal at less than the effective minimum prices established therefor as follows:

Sold and delivered by truck to Weirton Steel Company at Weirton, West Virginia, as appears from the records of Costanzo Coal Mining Company<sup>1</sup>

PRODUCED BY COVE HILL COAL CO.

October 1940

Size	Total tons	Delivered price at which sold	Effective minimum price f. o. b. mine
Three Springs #2 Mine, 5/8" lump.....	25,398.12	\$1.10	\$2.20
Three Springs #1 Mine Run of mine.....	1,460.85	1.10	2.10
Three Springs #1 Mine, 2" N & S.....	5,038.93	1.10	1.90
Total.....	31,897.90		

November 1940

Size	Total tons	Delivered price at which sold	Effective minimum price f. o. b. mine
Three Springs #2 Mine, 5/8" lump.....	22,552.02	\$1.15	\$2.20
Three Springs #2 Mine, 2" lump.....	1,932.20	1.15	2.50
Three Springs #1 Mine, 2" N & S.....	3,555.68	1.15	1.90
Total.....	28,039.90		

December 1940

Size	Total tons	Delivered price at which sold	Effective minimum price f. o. b. mine
Three Springs #2 Mine, 2" lump.....	942.60	\$1.15	\$2.50
Three Springs #1 Mine, 2" N & S.....	3,639.97	1.15	1.90
Three Springs #2 Mine, 4" N & S.....	18,716.63	1.15	2.10
Total.....			

PRODUCED BY WHEELING VALLEY COAL CORP.

Size	Total tons	Delivered price at which sold	Effective minimum price f. o. b. mine
Devenney Mine, 2" N & S.....	2,226.05	\$1.15	\$1.90
Total.....	25,825.25		

PRODUCED BY COVE HILL COAL CO.

January 1941

Size	Total tons	Delivered price at which sold	Effective minimum price f. o. b. mine
Three Springs #2 Mine, 4" N & S.....	16,966.40	\$1.15	\$2.10
Three Springs #1 Mine, 2" N & S.....	3,646.50	1.15	1.90
Total.....			

PRODUCED BY WHEELING VALLEY COAL CORP.

Size	Total tons	Delivered price at which sold	Effective minimum price f. o. b. mine
Devenney Mine, 2" N & S.....	3,881.45	\$1.15	\$1.90
Total.....	24,494.35		

<sup>1</sup> The trucking costs from Three Springs #1 Mine of 12 cents per ton, from Three Springs #2 Mine of 22 cents per ton, and from the Devenney Mine of 30 cents per ton were included in the delivered price at which the coal was sold.

Sold and delivered by truck to Crescent Brick Company, at New Cumberland, West Virginia, produced by the Cove Hill Coal Company, at its Three Springs Mines Nos. 1 and 2, as appears from the records of Costanzo Coal Mining Company<sup>1</sup>

Month	Size	Tons	Delivered price at which sold	Effective minimum price f. o. b. mine
October 1940.....	1 1/4" x 4" egg.....	243.30	\$1.75	\$2.20
	1 1/4" lump.....	123.10	1.75	2.20
	2" x 4" egg.....	12.05	1.75	2.25
	1 1/4" x 4" egg.....	146.25	2.15	2.20
	2" lump.....	6.15	1.75	2.50
	4" lump.....	584.95	2.15	2.65
	2" x 4" egg.....	182.00	2.15	2.25
Total.....		1,297.80		
November 1940.....	1 1/4" x 4" egg.....	86.15	1.75	2.20
	1 1/4" lump.....	119.00	1.75	2.20
	2" x 4" egg.....	29.25	1.75	2.25
	4" lump.....	6.05	1.75	2.65
	1 1/4" x 4" egg.....	149.15	2.15	2.20
	1 1/4" lump.....	333.05	2.15	2.20
	2" lump.....	5.75	2.15	2.50
	2" x 4" egg.....	202.05	2.15	2.25
	4" lump.....	523.30	2.15	2.65
Total.....		1,453.75		
December 1940.....	1 1/4" x 4" egg.....	134.20	1.75	2.20
	1 1/4" lump.....	66.50	1.75	2.20
	2" x 4" egg.....	40.35	1.75	2.25
	2" lump.....	12.70	1.75	2.50
	1 1/4" x 4" egg.....	45.05	1.75	2.25
	1 1/4" x 4" egg.....	380.70	2.15	2.20
	1 1/4" lump.....	254.15	2.15	2.20
	2" x 4" egg.....	153.75	2.15	2.25
	2" lump.....	105.40	2.15	2.50
	2" x 5" egg.....	93.45	2.15	2.25
	4" lump.....	708.10	2.15	2.65
	5" lump.....	84.55	2.15	2.65
Total.....		2,079.80		
January 1941.....	1 1/4" lump.....	53.90	1.75	2.20
	2" x 4" egg.....	70.60	1.75	2.25
	2" x 5" egg.....	222.85	1.75	2.25
	5" lump.....	5.70	1.75	2.65
	1 1/4" lump.....	408.45	2.15	2.20
	2" x 4" egg.....	274.10	2.15	2.25
	2" x 5" egg.....	693.95	2.15	2.25
	4" lump.....	499.50	2.15	2.65
	5" lump.....	238.60	2.15	2.65
Total.....		2,467.65		
Grand total.....		19,241.55		

<sup>1</sup> 7,299 tons of this coal were produced at Three Springs No. 1 Mine from which the trucking cost was 45 cents per ton, and 1,942.55 tons at Three Springs No. 2 Mine from which the trucking cost was 51 cents per ton. These trucking costs were included in the delivered price at which the coal was sold.

Sold f. o. b. mine for rail shipment to Universal Cyclops Steel Corporation, at Titusville, Pennsylvania, produced by Wheeling Valley Coal Corporation at its Richland and Costanzo Mines

OCTOBER 1940

Size	Tons	F. o. b. mine sales price	Effective minimum price f. o. b. mine
Richland Mine, 1/4" x 1 1/4" Nut.....	220.65	\$1.50	\$1.85
Richland Mine, 3/4" x 1 1/4" Nut.....	191.95	1.50	1.85
Richland Mine, 1 1/4" x 2" Nut.....	128.55	1.50	1.85

Sold f. o. b. mine for rail shipment to Universal Cyclops Steel Corporation, at Titusville, Pennsylvania, produced by Wheeling Valley Coal Corporation at its Richland and Costanzo Mines—Continued

OCTOBER 1940—Continued

Size	Tons	F. o. b. mine sales price	Effective minimum price f. o. b. mine
Richland Mine, 2" x 4" Egg.....	112.25	\$1.70	\$2.10
Richland Mine, 2" x 5" Egg.....	113.10	1.70	2.10
Richland Mine, 2" x 6" Egg.....	45.95	1.70	2.10
Total.....	812.45		

NOVEMBER 1940

Size	Tons	F. o. b. mine sales price	Effective minimum price f. o. b. mine
Richland Mine, 1/4" x 1 1/4" Nut.....	244.90	\$1.50	\$1.85
Richland Mine, 3/4" x 1 1/4" Nut.....	89.15	1.50	1.85
Richland Mine, 1/4" x 2" Nut.....	157.60	1.50	1.85
Richland Mine, 1 1/4" x 2" Nut.....	321.15	1.50	1.85
Richland Mine, 2" x 4" Egg.....	266.55	1.70	2.10
Richland Mine, 2" x 5" Egg.....	250.15	1.70	2.10
Richland Mine, 2" x 6" Egg.....	66.25	1.70	2.10
Total.....	1,395.75		

DECEMBER 1940

Size	Tons	F. o. b. mine sales price	Effective minimum price f. o. b. mine
Richland Mine, 1/4" x 2" Nut.....	848.90	\$1.50	\$1.85
Richland Mine, 2" x 4" Egg.....	181.35	1.70	2.10
Richland Mine, 2" x 5" Egg.....	279.60	1.70	2.10
Total.....	1,309.85		

JANUARY 1941

Size	Tons	F. o. b. mine sales price	Effective minimum price f. o. b. mine
Costanzo Mine, 1 1/4" x 2" Nut.....	1,410.25	\$1.50	\$1.85
Richland Mine, 3" x 5" Egg.....	575.35	1.70	2.15
Total.....	1,985.60		

Sold f. o. b. mine for rail shipment to Globe Brick Company, at Kenilworth, West Virginia, produced by Wheeling Valley Coal Corporation at its Richmond and Costanzo Mines

Month	Size	Tons	Sales price f. o. b. mine	Effective minimum price f. o. b. mine
October 1940.....	1 1/4" lump.....	2,062.70	\$2.00	\$2.05
	4" lump.....	486.70	2.00	2.30
	5" lump.....	121.25	2.00	2.30
	3" x 5" egg.....	365.20	2.00	2.30
Total.....		3,025.85		
November 1940.....	1 1/4" lump.....	345.00	2.00	2.05
	4" lump.....	240.50	2.00	2.30
	5" lump.....	371.60	2.00	2.30
	2" lump.....	1,555.25	2.00	2.10
Total.....		2,512.35		
December 1940.....	2" lump.....	140.60	2.00	2.10
	3" x 5" egg.....	51.15	2.00	2.30
Total.....		191.75		



IV. Has violated section 4 II (h) of the Act, sections (b) and (e) of the above-mentioned agreement executed by said Costanzo Coal Mining Company, the Effective Minimum Price Schedule for District No. 6, and the Marketing Rules and Regulations:

(1) By selling, f. o. b. the mine, during December, 1940, and January, 1941, approximately 5,615.30 tons of 2" lump to Globe Brick Company for delivery to Kennilworth, West Virginia, and charging therefor the effective minimum f. o. b. mine price of \$2.00 per ton established for 2" lump from the Devenney mine of the Wheeling Valley Coal Company, whereas part of this tonnage was produced at the Richland mine of the Wheeling Valley Coal Company and was subject to an effective minimum price of \$2.10 per ton.

(2) By filing invoices with the Statistical Bureau of the Division for District No. 6 representing that all of the above tonnage originated at the Devenney mine.

V. Has violated section 4 II (h), sections (b) and (e) of the above-mentioned agreement executed by said distributor, and the Marketing Rules and Regulations:

(1) By charging, from October 1, 1940, to January 1, 1941, \$2.05 per ton for approximately 34,202.70 tons of coal produced at the Costanzo mine of the Wheeling Valley Coal Corporation, and approximately 18,278.50 tons of coal produced at the Richland mine of the Wheeling Valley Coal Corporation, delivered to the Pennsylvania Railroad Company, for which the effective minimum price was \$2.20 per ton was established, was substituted on orders for run of mine coal, for which an effective minimum price of \$2.05 per ton was established.

(2) By granting, for the sale of 5,502.90 tons<sup>1</sup> of 3/4" x 3" egg and 2" x 4" egg, during the period from December 30, 1940, to January 29, 1941, a commission of 12¢ per ton, instead of the commission of 5¢ per ton established by the Director's Order in General Docket No. 20 dated December 5, 1940.

VI. Has violated section 4 II (h) of the Act, sections (b) and (e) of the above-mentioned agreement executed by said Costanzo Coal Mining Company, the Effective Minimum Price Schedule for District No. 6, and the Marketing Rules and Regulations, as follows:

(1) By selling and delivering by truck and barge substantial quantities of coal to the Toronto Paper Mills Company, at Toronto, Ohio, in violation of the Director's Order in General Docket No. 19, dated October 9, 1940, as follows:

<sup>1</sup> Tonnage shown in (2) included in tonnage shown in (1).

From	Month	Tons	Size	Delivered price at which sold
Cove Hill Coal Co., Three Springs Mine.	October.....	490.25	1 1/4" slack.....	\$1.95
	November.....	3,603.45	do.....	1.95
	December.....	576.00	do.....	1.95
	January.....	555.70	2" N & S.....	1.95
Wheeling Valley Coal Corp., Devenney Mine.	November.....	261.69	do.....	1.95
	December.....	644.25	1 1/4" slack.....	1.95

(2) By substituting, without a permit, approximately 393.90 tons of 5/8" x 2" nut on an order from Toronto Paper Mills Company, for 2" nut and slack.

(3) By filing invoices with Statistical Bureau No. 6 of the Bituminous Coal Division, representing that it sold and delivered to Toronto Paper Mills Company, of Toronto, Ohio, approximately 393.90 tons of 2" nut and slack, whereas the size delivered was 5/8" x 2" nut.

(4) By selling and delivering to Toronto Paper Co., at Toronto, Ohio, during January 1941, at the effective minimum price for 1 1/4" nut and slack, approximately 153.95 tons of 2" lump produced at the Devenney mine of the Wheeling Valley Coal Corporation and claimed to

be substandard in quality, and failing to notify the Statistical Bureau for District No. 6 of this transaction in accordance with the provisions of Section X of the Marketing Rules and Regulations.

VII. Has violated section 4 II (h), section 4 II (g) of the Act, section (b) and (e) of the above-mentioned agreement executed by said distributor, the Effective Minimum Price Schedule for District 6, Price Instruction 9 thereof, and the Marketing Rules and Regulations:

(1) By transporting since September 30, 1940, coal by truck and barge from the Cove Hill Coal Company's Three Springs Mine up the Ohio River to a storage pile established at Fort Homer, Ohio, and selling therefrom as follows:

Consumer	Month	Tons	Size	Delivered price f. o. b. purchaser's facilities at which sold
Peerless Clay Co.....	December 1940.....	834.43	2' x 5'.....	\$2.35
	January 1941.....	766.80	2' x 5'.....	2.40
Union Clay Co.....	October 1940.....	50.74	2' x 5'.....	2.40
	November 1940.....	37.71	2' x 5'.....	2.40
Stratton Fire Clay Co.....	December 1940.....	41.79	2' x 5'.....	2.40
	January 1941.....	28.71	2' x 5'.....	2.55
	December 1940.....	184.55	2' x 5'.....	2.55
Dendo Brick Co.....	January 1941.....	205.38	2' x 5'.....	2.55

(2) By making such sales in violation of the Director's Order in General Docket No. 19, dated October 9, 1940.

(3) By failing to add all of the actual transportation charges, handling charges and incidental charges of whatsoever kind or character from transportation facilities at the mine to the point from which all such charges were assumed and directly paid by the purchaser.

*It is ordered,* That a hearing pursuant to § 304.14 of the Rules and Regulations for the Registration of Distributors, to determine whether the registration of said distributor should be revoked or suspended, be held on May 13, 1941, at 10 a. m., in Court Room No. 4, New Federal Building, Pittsburgh, Pennsylvania.

*It is further ordered,* That Charles O. Fowler or any other officer or officers of the Bituminous Coal Division designated by the Director thereof for that purpose shall preside at the hearing in such matter. The officer so designated to preside at such hearing is hereby authorized to conduct said hearing, to administer oaths and affirmations, examine witnesses, subpoena witnesses, compel their attend-

ance, take evidence, require the production of any books, papers, correspondence, memoranda or other records deemed relevant or material to the inquiry, to continue said hearing from time to time, and to such places as he may direct by announcement at said hearing or any adjourned hearing or by subsequent notice, and to prepare and submit to the Director proposed findings of fact and conclusions and the recommendation of an appropriate order in the premises, and to perform all other duties in connection therewith authorized by law.

Notice of such hearing is hereby given to said defendant, and to all other parties herein and to all persons and entities having an interest in such proceeding.

Notice is hereby given that answer to the charges alleged herein must be filed with the Bituminous Coal Division at its Washington Office or with any one of the statistical bureaus of the Division, within ten (10) days after date of service thereof on the defendant; and that any defendant failing to file an answer within such period, unless the Director or the presiding officer shall otherwise



order, shall be deemed to have admitted the alleged charges and to have consented to the entry of an appropriate order on the basis of the facts alleged.

All persons are hereby notified that the hearing in the above-entitled matter and orders entered therein may concern, in addition to the matters specifically alleged herein, other matters incidental and related thereto, whether raised by amendment, petition for intervention, or otherwise, and all persons are cautioned to be guided accordingly.

Dated: April 23, 1941.

[SEAL]

H. A. GRAY,  
Director.

[F. R. Doc. 41-3059; Filed, April 25, 1941;  
11:36 a. m.]

[Docket No. A-410]

PETITION OF GEORGES CREEK COAL COMPANY, A PRODUCER IN DISTRICT 8, FOR RECLASSIFICATION IN SIZE GROUPS 18-21, PURSUANT TO SECTION 4 II (d) OF THE BITUMINOUS COAL ACT OF 1937

#### ORDER OF DISMISSAL

The original petitioner in the above-entitled matter having requested that the petition be withdrawn, and there being no opposition to such request,

It is ordered, That the original petition in Docket No. A-410 be dismissed without prejudice.

Dated: April 25, 1941.

[SEAL]

H. A. GRAY,  
Director.

[F. R. Doc. 41-3098; Filed, April 28, 1941;  
11:02 a. m.]

[Docket No. A-619]

PETITION OF ANCHOR COAL COMPANY AND TRUAX-TRAEER COAL COMPANY (CODE MEMBER PRODUCERS WITHIN DISTRICT NO. 8) ASKING REDUCTION IN PRICE OF THEIR DOROTHY COALS IN SIZE GROUP 7 FOR USE BY CALUMET & HECLA CONSOLIDATED COPPER COMPANY (MARKET AREA 99)

#### MEMORANDUM OPINION AND ORDER CONCERNING TEMPORARY RELIEF

This proceeding was instituted upon an original petition filed with the Bituminous Coal Division by Anchor Coal Company and Traux-Traer Coal Company, code members in District 8. The petition requests a reduction of 10 cents per ton in the f. o. b. mine price for the Dorothy seam coals of that district, in Size Group 7 (5" x 2" egg), when shipped via lake, for industrial use, to the plant at Calumet & Hecla Consolidated Copper Company (the "Copper Company"), in Market Area 99; or, in the alternative, that original petitioners be permitted to supply the Copper Company such portion of its annual requirements as each has heretofore supplied at a price 10 cents per ton below the presently effective minimum price.

Boone County Coal Corporation, et al., Red Jacket Coal Corporation, et al., code members in District 8, filed intervening petitions requesting that in the event the reductions requested by original petitioners should be granted, for shipment to the Copper Company, corresponding reductions should be granted for coals of the interveners, in Size Group 4 (2" lump). Consumers' Counsel Division, intervening, requested that if relief be granted, the same relief should be extended to all consumers in Market Area 99.

Pursuant to an Order of the Director dated January 30, 1941, and after notice to all interested persons, a hearing was held in this matter before a duly designated Examiner of the Division at a hearing room thereof. After the hearing, a motion was filed by original petitioners and by Red Jacket Coal Corporation for temporary relief, pending final disposition of this proceeding. Original petitioners requested temporary relief as prayed for in their petition; Red Jacket Coal Corporation seeks a temporary order permitting it to sell its Size Group 4 (2" lump) coals as rescreened and separately loaded, to the Copper Company at \$1.95 per ton; Boone County Coal Corporation, et al., and Eastern Coal Corporation, et al., interveners, moved that if temporary relief should be granted the original petitioners, the same relief should be accorded the interveners.

It appears that the Copper Company purchases some 200,000 tons of bituminous coal each year. These purchases seem to have been made generally as follows: On or about the beginning of the lake season the company placed orders for the total annual requirements with M. A. Hanna and Company and Pickands, Mather and Company (the "distributors"). At first there was no requirement made as to the origin of the coals; all coals had only to be at least 2,700 degrees in A. S. T. and to be approved by the Copper Company's inspector. The inspector customarily gave the distributor a list of mines whose coals would not be acceptable, and except for these, the distributors were at liberty to apply coals from any source to the contract, subject to the inspector's approval. During the last few years, however, the Company has required one-third of the coals to be Dorothy seam coals of District 8. Though purchases nominally consisted of 2" lump coals, it was the practice in the past, in order to facilitate inspection by the purchaser, for producers shipping to the account of the Copper Company, to screen the 2" lump size into 5" x 2" egg and 5" block coals and to ship the sizes in separate cars to the docks of the distributors at Sandusky and Toledo. There they were loaded into separate barges and transported to the Company's plant on Lake Superior, where, upon arrival, all coals were dumped indiscriminately into one large storage pile.

It appears that approximately for the last seventeen years, the distributors have supplied the Copper Company's requirements exclusively with 2" lump coals, rescreened into the composite 5" x 2" egg and 5" block sizes, from the Chilton, Pond Creek, Thacker, Island Creek, and Eagle Seams (hereafter collectively termed the "Chilton coals"), and (during the last seven years) with 5" x 2" egg coals from the Dorothy seam of District 8. The distributors, it seems, took title at the mine. Under open competition, the same f. o. b. mine prices seem to have been paid for the Chilton 2" lump coals, rescreened, as for the Dorothy 5" x 2" egg coals.

The effective minimum prices f. o. b. mine established for these coals, in the particular sizes involved, are: for the Chilton coals, generally \$1.95 for the 2" lump (Size Group 4), \$1.95 for the 5" x 2" egg (Size Group 7), and \$2.05 for the 5" block (Size Group 2) coals; and for the Dorothy coals—\$2.05 for the 5" x 2" egg (Size Group 7) coals.

It seems that most of the Copper Company's needs during the past three or four years have been filled by coals produced at the mines of original and intervening petitioners. Original petitioners, whose mines are located in the Dorothy seam, now seek price parity f. o. b. mine between their coals and the Chilton coals; intervening petitioners in effect contend that the established and effective price differential should be preserved.<sup>2</sup>

It appears from the record that the Dorothy coals and the Chilton coals in the sizes which have moved into the Copper Company plant in the past are similar in analytical characteristics. The Dorothy coals seem, however, to be considerably firmer in structure and consequently less subject to degradation incidental to transportation and storage than the Chilton coals. Though the record indicates that degradation may not be a substantial factor in purchases by the Copper Company (more than half of the coals are crushed before use to the 2" x 0 size), and the inspector for the company states he will not accept Dorothy coals at a price 10¢ higher than for Chilton coals, it is not at all clear that the effective price differential does not truly reflect the relative market value of the coals. The significance of the Copper Company's past insistence that Dorothy coals comprise 1/3 of its purchases must be appraised. Furthermore, there is no clear showing of actual or imminent injury to the Dorothy producers. It appears that the Copper

<sup>1</sup> The Mitchell Branch and Junior mines of intervenor Red Jacket Coal Corporation are priced f. o. b. mine, as follows: \$2.00 for the 2" lump, \$1.95 for the 5" x 2" egg and \$2.15 for the 5" block sizes.

<sup>2</sup> Intervenor Red Jacket Coal Corporation, however, moves for a temporary order permitting it to sell to the Copper Company its 2" lump coals as rescreened and as separately loaded, at a minimum f. o. b. mine price of \$1.95 per ton.



Company has not determined, and the representative of the Company appearing at the hearing did not know, which coals it would purchase during the next year. Moreover, granting temporary relief to original petitioners without affording full and more detailed consideration to the interests of all producers interested would be likely to be highly prejudicial to certain producers since the lake season is open and substantial tonnages might be shipped before the final order of the Director is issued.

It is the Director's opinion, therefore, that the issues in this proceeding do not lend themselves readily to temporary relief. The matters involved are controversial and pose questions concerning the fairness of existing competitive opportunities and the propriety of the coordination of large tonnages of District 8 coals. The evidence is not clear that, failing temporary relief, original petitioners will suffer damage. On the other hand, temporary relief granted at the present time may very well result in serious prejudice to competitors of the original petitioner. The same considerations militate against the granting of temporary relief on the motion of intervenor Red Jacket Coal Corporation.

No reasonable showing of the necessity therefor having been made, the Director is of the opinion that temporary relief in all respects should now be denied. Nothing contained herein shall be taken to express the Director's views concerning the final disposition of any of the matters involved herein.

Accordingly, it is so ordered.

Dated: April 25, 1941.

[SEAL]

H. A. GRAY,  
Director.

[F. R. Doc. 41-3099; Filed, April 28, 1941;  
11:03 a. m.]

[Docket No. 1645-FD]

IN THE MATTER OF ELBERT MATTHEWS,  
DEFENDANT

#### NOTICE OF AND ORDER FOR HEARING

A complaint dated March 28, 1941, pursuant to the provisions of sections 4 II (j) and 5 (b) of the Bituminous Coal Act of 1937, having been duly filed on April 2, 1941, by Bituminous Coal Producers Board for District No. 13, a district board, complainant, with the Bituminous Coal Division alleging willful violation by the defendant of the Bituminous Coal Code or rules and regulations thereunder;

It is ordered, That a hearing in respect to the subject matter of such complaint be held on May 27, 1941, at 10 a. m., at a hearing room of the Bituminous Coal Division at the U. S. District Court Room, Federal Building, Birmingham, Ala.

It is further ordered, That Travis Williams or any other officer or officers of the Bituminous Coal Division designated by the Director thereof for that purpose shall preside at the hearing in such matter. The officer so designated to preside

at such hearing is hereby authorized to conduct said hearing, to administer oaths and affirmations, examine witnesses, subpoena witnesses, compel their attendance, take evidence, require the production of any books, papers, correspondence, memoranda or other records deemed relevant or material to the inquiry, to continue said hearing from time to time, and to such places as he may direct by announcement at said hearing or any adjourned hearing or by subsequent notice, and to prepare and submit to the Director proposed findings of fact and conclusions and the recommendation of an appropriate order in the premises, and to perform all other duties in connection therewith authorized by law.

Notice of such hearing is hereby given to said defendant and to all other parties herein and to all persons and entities having an interest in such proceeding. Any person or entity eligible under § 301.123 of the Rules and Regulations Governing Practice and Procedure Before the Bituminous Coal Division in Proceedings Instituted Pursuant to sections 4 II (j) and 5 (b) of the Bituminous Coal Act of 1937, may file a petition for intervention not later than five (5) days before the date herein set for hearing on the complaint.

Notice is hereby given that answer to the complaint must be filed with the Bituminous Coal Division at its Washington office or with any one of the statistical bureaus of the Division, within twenty (20) days after date of service thereof on the defendant; and that any defendant failing to file an answer within such period, unless the Director or the presiding officer shall otherwise order, shall be deemed to have admitted the allegations of the complaint herein and to have consented to the entry of an appropriate order on the basis of the facts alleged.

All persons are hereby notified that the hearing in the above-entitled matter and orders entered therein may concern, in addition to the matters specifically alleged in the complaint herein, other matters incidental and related thereto, whether raised by amendment of the complaint, petition for intervention, or otherwise, and all persons are cautioned to be guided accordingly.

The matter concerned herewith is in regard to the complaint filed by said complainant, alleging willful violation by the above-named defendant of the Bituminous Coal Code or rules and regulations thereunder as follows: By selling on or about January 28, 1941 to Roger Thompson, approximately 5 tons of 1½" x ½" raw coal produced at the defendant's Wheeler No. 3 Mine, Mine Index No. 438, District No. 13, at a price of \$2.25 per ton f. o. b. the mine, the applicable effective minimum price f. o. b. the mine established for such coal being \$3.00 per ton.

Dated: April 25, 1941.

[SEAL]

H. A. GRAY,  
Director.

[F. R. Doc. 41-3096; Filed, April 28, 1941;  
11:01 a. m.]

[Docket No. 1646-FD]

IN THE MATTER OF E. R. ELLINGTON,  
DEFENDANT

#### NOTICE OF AND ORDER FOR HEARING

A complaint dated March 28, 1941, pursuant to the provisions of sections 4 II (j) and 5 (b) of the Bituminous Coal Act of 1937, having been duly filed on April 2, 1941, by Bituminous Coal Producers Board for District No. 13, a district board, complainant, with the Bituminous Coal Division alleging willful violation by the defendant of the Bituminous Coal Code or rules and regulations thereunder;

It is ordered, That a hearing in respect to the subject matter of such complaint be held on May 27, 1941, at 10 a. m., at a hearing room of the Bituminous Coal Division at the U. S. District Court Room, Federal Building, Birmingham, Ala.

It is further ordered, That Travis Williams or any other officer or officers of the Bituminous Coal Division designated by the Director thereof for that purpose shall preside at the hearing in such matter. The officer so designated to preside at such hearing is hereby authorized to conduct said hearing, to administer oaths and affirmations, examine witnesses, subpoena witnesses, compel their attendance, take evidence, require the production of any books, papers, correspondence, memoranda or other records deemed relevant or material to the inquiry, to continue said hearing from time to time, and to such places as he may direct by announcement at said hearing or any adjourned hearing or by subsequent notice, and to prepare and submit to the Director proposed findings of fact and conclusions and the recommendation of an appropriate order in the premises, and to perform all other duties in connection therewith authorized by law.

Notice of such hearing is hereby given to said defendant and to all other parties herein and to all persons and entities having an interest in such proceeding. Any person or entity eligible under § 301.123 of the Rules and Regulations Governing Practice and Procedure Before the Bituminous Coal Division in Proceedings Instituted Pursuant to sections 4 II (j) and 5 (b) of the Bituminous Coal Act of 1937, may file a petition for intervention not later than five (5) days before the date herein set for hearing on the complaint.

Notice is hereby given that answer to the complaint must be filed with the Bituminous Coal Division at its Washington office or with any one of the statistical bureaus of the Division, within twenty (20) days after date of service thereof on the defendant; and that any defendant failing to file an answer within such period, unless the Director or the presiding officer shall otherwise order, shall be deemed to have admitted the allegations of the complaint herein and to have consented to the entry of an appropriate order on the basis of the facts alleged.



All persons are hereby notified that the hearing in the above-entitled matter and orders entered therein may concern, in addition to the matters specifically alleged in the complaint herein, other matters incidental and related thereto, whether raised by amendment of the complaint, petition for intervention, or otherwise, and all persons are cautioned to be guided accordingly.

The matter concerned herewith is in regard to the complaint filed by said complainant, alleging willful violation by the above-named defendant of the Bituminous Coal Code or rules and regulations thereunder as follows: By selling during the months of January and February 1941, to the Baptist Hospital, Birmingham, Alabama, mine run coal produced by the defendant at his Black Cat Mine, located in Jefferson County, Alabama, at a price of \$3.00 per ton delivered in Birmingham, Alabama, the applicable effective minimum price f. o. b. the mine established for such coal being \$2.85 per ton and the defendant failed to add thereto an amount at least equal to the actual cost incurred by him in transporting the aforesaid coal to Birmingham, Alabama, a distance of approximately 25 miles from his mine.

Dated: April 25, 1941.

[SEAL]

H. A. GRAY,  
Director.

[F. R. Doc. 41-3094; Filed, April 28, 1941;  
11:01 a. m.]

[Docket No. 1647-FD]

IN THE MATTER OF JAMES NICHOLSON,  
DEFENDANT

NOTICE OF AND ORDER FOR HEARING

A complaint dated March 28, 1941, pursuant to the provisions of sections 4 II (j) and 5 (b) of the Bituminous Coal Act of 1937, having been duly filed on April 2, 1941, by Bituminous Coal Producers Board for District No. 13, a district board, complainant, with the Bituminous Coal Division alleging willful violation by the defendant of the Bituminous Coal Code or rules and regulations thereunder;

*It is ordered*, That a hearing in respect to the subject matter of such complaint be held on May 27, 1941, at 10 a. m., at a hearing room of the Bituminous Coal Division at the U. S. District Court Room, Federal Building, Birmingham, Ala.

*It is further ordered*, That Travis Williams or any other officer or officers of the Bituminous Coal Division designated by the Director thereof for that purpose shall preside at the hearing in such matter. The officer so designated to preside at such hearing is hereby authorized to conduct said hearing, to administer oaths and affirmations, examine witnesses, subpoena witnesses, compel their attendance, take evidence, require the production of any books, papers, correspondence, memoranda or other records deemed relevant or material to the inquiry, to continue said hearing from time to time, and to

such places as he may direct by announcement at said hearing or any adjourned hearing or by subsequent notice, and to prepare and submit to the Director proposed findings of fact and conclusions and the recommendation of an appropriate order in the premises, and to perform all other duties in connection therewith authorized by law.

Notice of such hearing is hereby given to said defendant and to all other parties herein and to all persons and entities having an interest in such proceeding. Any person or entity eligible under § 301.123 of the Rules and Regulations Governing Practice and Procedure Before the Bituminous Coal Division in Proceedings Instituted Pursuant to sections 4 II (j) and 5 (b) of the Bituminous Coal Act of 1937, may file a petition for intervention not later than five (5) days before the date herein set for hearing on the complaint.

Notice is hereby given that answer to the complaint must be filed with the Bituminous Coal Division at its Washington office or with any one of the statistical bureaus of the Division, within twenty (20) days after date of service thereof on the defendant; and that any defendant failing to file an answer within such period, unless the Director or the presiding officer shall otherwise order, shall be deemed to have admitted the allegations of the complaint herein and to have consented to the entry of an appropriate order on the basis of the facts alleged.

All persons are hereby notified, that the hearing in the above-entitled matter and orders entered therein may concern, in addition to the matters specifically alleged in the complaint herein, other matters incidental and related thereto, whether raised by amendment of the complaint, petition for intervention, or otherwise, and all persons are cautioned to be guided accordingly.

The matter concerned herewith is in regard to the complaint filed by said complainant, alleging willful violation by the above-named defendant of the Bituminous Coal Code or rules and regulations thereunder as follows: By offering to sell and selling during the period commencing December 18, 1940, to the Veterans Hospital, located at Tuscaloosa, Alabama, approximately 600 tons of 1½" x 0 raw coal produced at the defendant's Nicholson Mine located in Tuscaloosa County, Alabama, at a price of \$2.60 per ton, delivered at Tuscaloosa, Alabama, the applicable effective minimum price established for such coal f. o. b. the mine being \$2.49 per ton and the defendant failed to add thereto an amount at least equal to the actual cost incurred by him in transporting the aforesaid coal from his mine to the above-named destination, a distance of some 13 miles.

Dated: April 25, 1941.

[SEAL]

H. A. GRAY,  
Director.

[F. R. Doc. 41-3097; Filed, April 28, 1941;  
11:02 a. m.]

[Docket No. 1648-FD]

IN THE MATTER OF RIDER COAL COMPANY  
(SIMON W. RIDER), DEFENDANT

NOTICE OF AND ORDER FOR HEARING

A complaint dated March 26, 1941, pursuant to the provisions of sections 4 II (j) and 5 (b) of the Bituminous Coal Act of 1937, having been duly filed on March 27, 1941, by Bituminous Coal Producers Board for District No. 2, a District Board, complainant, with the Bituminous Coal Division alleging willful violation by the defendant of the Bituminous Coal Code or rules and regulations thereunder;

*It is ordered*, That a hearing in respect to the subject matter of such complaint be held on June 3, 1941, at 2 p. m., at a hearing room of the Bituminous Coal Division at the White Swan Hotel, Uniontown, Pennsylvania.

*It is further ordered*, That Chas. O. Fowler or any other officer or officers of the Bituminous Coal Division designated by the Director thereof for that purpose shall preside at the hearing in such matter. The officer so designated to preside at such hearing is hereby authorized to conduct said hearing, to administer oaths and affirmations, examine witnesses, subpoena witnesses, compel their attendance, take evidence, require the production of any books, papers, correspondence, memoranda or other records deemed relevant or material to the inquiry, to continue said hearing from time to time, and to such places as he may direct by announcement at said hearing or any adjourned hearing or by subsequent notice, and to prepare and submit to the Director proposed findings of fact and conclusions and the recommendation of an appropriate order in the premises, and to perform all other duties in connection therewith authorized by law.

Notice of such hearing is hereby given to said defendant and to all other parties herein and to all persons and entities having an interest in such proceeding. Any person or entity eligible under § 301.123 of the Rules and Regulations Governing Practice and Procedure Before the Bituminous Coal Division in Proceedings Instituted Pursuant to sections 4 II (j) and 5 (b) of the Bituminous Coal Act of 1937, may file a petition for intervention not later than five (5) days before the date herein set for hearing on the complaint.

Notice is hereby given that answer to the complaint must be filed with the Bituminous Coal Division at its Washington office or with any one of the statistical bureaus of the Division, within twenty (20) days after date of service thereof on the defendant; and that any defendant failing to file an answer within such period, unless the Director or the presiding officer shall otherwise order, shall be deemed to have admitted the allegations of the complaint herein and to have consented to the entry of an appropriate order on the basis of the facts alleged.

All persons are hereby notified that the hearing in the above-entitled matter



and orders entered therein may concern, in addition to the matters specifically alleged in the complaint herein, other matters incidental and related thereto, whether raised by amendment of the complaint, petition for intervention, or otherwise, and all persons are cautioned to be guided accordingly.

The matter concerned herewith is in regard to the complaint filed by said complainant, alleging willful violation by the above-named defendant of the Bituminous Coal Code or rules and regulations thereunder as follows: By selling and delivering by truck, during December 1940 and January 1941, run of mine coal produced at its Rider No. 2 Mine, Mine Index No. 1720, to the Federal Foundry & Supply Company, at Charleroi, Pennsylvania, at an f. o. b. mine price of \$2.10 per net ton plus 15¢ per ton for delivery when the effective minimum price f. o. b. the mine established for such coal was \$2.45 per net ton to which was required to be added the actual costs of transportation from the mine to said point of delivery.

Dated April 25, 1941.

[SEAL]

H. A. GRAY,  
Director.

[F. R. Doc. 41-3095; Filed, April 28, 1941;  
11:01 a. m.]

#### DEPARTMENT OF LABOR.

##### Wage and Hour Division.

#### NOTICE OF ISSUANCE OF SPECIAL CERTIFICATES FOR THE EMPLOYMENT OF LEARNERS UNDER THE FAIR LABOR STANDARDS ACT OF 1938

Notice is hereby given that Special Certificates authorizing the employment of learners at hourly wages lower than the minimum rate applicable under section 6 of the Act are issued under section 14 thereof and § 522.5 (b) of the Regulations issued thereunder (August 16, 1940, 5 F.R. 2862) to the employers listed below effective April 28, 1941.

The employment of learners under these Certificates is limited to the terms and conditions as designated opposite the employer's name. These Certificates are issued upon the employer's representations that experienced workers for the learner occupations are not available for employment and that they are actually in need of learners at subminimum rates in order to prevent curtailment of opportunities for employment. The Certificates may be cancelled in the manner provided for in the Regulations and as indicated on the Certificate. Any person aggrieved by the issuance of these Certificates may seek a review or reconsideration thereof.

NAME AND ADDRESS OF FIRM, PRODUCT, NUMBER OF LEARNERS, LEARNING PERIOD, LEARNER WAGE, LEARNER OCCUPATIONS, EXPIRATION DATE

Boston Leather Specialties, Inc., 210 Broadway, Everett, Massachusetts; Au-

tomobile Accessories & Baby Necessities; 6 learners; 6 weeks for any one learner; 25 cents per hour; Stitcher; July 21, 1941.

Clore & Hawkins, Brightwood, Virginia; Cheap and Medium-Priced Split Bottom and Upholstered Chairs; 1 learner; 8 weeks for any one learner; 25 cents per hour; Seat Upholsterer; June 23, 1941.

Clore & Hawkins, Brightwood, Virginia; Cheap and medium-priced split bottom and upholstered chairs; 1 learner; 4 weeks for any one learner; 25 cents per hour; Seat Weaver; June 23, 1941.

Hamilton Fur Company, 1616 Stout Street, Denver, Colorado; Fur Repair; 1 learner; 12 weeks for any one learner; 25 cents per hour; Fur Repairer; July 21, 1941.

"Take-Along" Travel Chair Company, Inc., Thomasville, Georgia; Folding Chairs and Furniture; 1 learner; 4 weeks for any one learner; 25 cents per hour; Assembler; June 23, 1941.

Valley Falls Rug and Carpet, 69 Leedham Street, Attleboro, Massachusetts; Braided Rugs; 1 learner; 6 weeks for any one learner; 25 cents per hour; Sewing Machine Operator; June 9, 1941.

Signed at Washington, D. C., this 28th day of April 1941.

HAROLD STEIN,  
Authorized Representative  
of the Administrator.

[F. R. Doc. 41-3111; Filed, April 28, 1941;  
11:50 a. m.]

#### NOTICE OF ISSUANCE OF SPECIAL CERTIFICATES FOR THE EMPLOYMENT OF LEARNERS UNDER THE FAIR LABOR STANDARDS ACT OF 1938

Notice is hereby given that Special Certificates authorizing the employment of learners at hourly wages lower than the minimum wage rate applicable under section 6 of the Act are issued under section 14 thereof, Part 522 of the Regulations issued thereunder (August 16, 1940, 5 F.R. 2862) and the Determination and Order or Regulation listed below and published in the FEDERAL REGISTER as here stated.

Apparel Learner Regulations, September 7, 1940 (5 F.R. 3591).

Artificial Flowers and Feathers Learner Regulations, October 24, 1940 (5 F.R. 4203).

Glove Findings and Determination of February 20, 1940, as amended by Administrative Order of September 20, 1940 (5 F.R. 3748).

Hosiery Learner Regulations, September 4, 1940 (5 F.R. 3530).

Independent Telephone Learner Regulations, September 27, 1940 (5 F.R. 3829).

Knitted Wear Learner Regulations, October 10, 1940 (5 F.R. 3982).

Millinery Learner Regulations, Custom Made and Popular Priced, August 29, 1940 (5 F.R. 3392, 3393).

Textile Determination and Order, November 8, 1939 (4 F.R. 4531), as amended, April 27, 1940 (5 F.R. 1586).

Woolen Learner Regulations, October 30, 1940 (5 F.R. 4302).

The employment of learners under these Certificates is limited to the terms and conditions as to the occupations, learning periods, minimum wage rates, et cetera, specified in the Determination and Order of Regulation for the industry designated above and indicated opposite the employer's name. These Certificates become effective April 28, 1941. The Certificates may be cancelled in the manner provided in the Regulations and as indicated in the Certificates. Any person aggrieved by the issuance of any of these Certificates may seek a review or reconsideration thereof.

NAME AND ADDRESS OF FIRM, INDUSTRY, PRODUCT, NUMBER OF LEARNERS, AND EXPIRATION DATE

Advertisers Manufacturing Company, 121-131 East Jackson Street, Ripon, Wisconsin; Apparel; Advertising Novelties; 5 percent (75% of the applicable hourly minimum wage); April 28, 1942.

American Needle & Novelty Company, 2331 North Washtenaw Avenue, Chicago, Illinois; Apparel; Novelty Headwear; 28 learners (75% of the applicable hourly minimum wage) August 4, 1941.

Angelica Jacket Company, 1421 Olive Street, Saint Louis, Missouri; Apparel; Washable Service Apparel; 50 learners (75% of the applicable hourly minimum wage) August 25, 1941.

B & B Manufacturing Company, Inc., East Clinton Street, Newton, New Jersey; Apparel; Ladies' Wash Frocks & Play Suits; 15 learners (75% of the applicable hourly minimum wage); August 25, 1941.

Alfred A. Baker and Company, Inc., 210 Franklin Street, Buffalo, New York; Apparel; Men's Neckwear; 1 learner (75% of the applicable hourly minimum wage); April 28, 1942.

Bell Sportswear Company, 127 East Ninth Street, Los Angeles, California; Apparel; Slack Suits; 5 learners (75% of the applicable hourly minimum wage); April 28, 1942.

Bon-Ton Underwear Company, 31 East 28th Street, New York, New York; Apparel; Ladies' Silk Underwear; 5 learners (75% of the applicable hourly minimum wage); July 21, 1941.

Cohen, Goldman & Company, Inc., 366 Mill Street, Poughkeepsie, New York; Apparel; Men's Sack Coats, Topcoats & Oyercoats; 5 percent (75% of the applicable hourly minimum wage); April 28, 1942.

Dainty Frock Company, 206 South Market Street, Chicago, Illinois; Apparel; Ladies' Wash Dresses & Rayon Undergarments; 5 learners (75% of the applicable hourly minimum wage); April 28, 1942.

Decatur Garment Company, 542 North Main Street, Decatur, Illinois; Apparel; Cotton Wash Dresses; 10 learners (75%



of the applicable hourly minimum wage); August 25, 1941.

De Varo Dress Company, 26 Brand Avenue, Clementon, New Jersey; Apparel; Cotton Children's Dresses; 5 learners (75% percent of the applicable hourly minimum wage); April 28, 1942.

Era-Mart Tie Company, Inc., 2113 Walton Avenue, Bluefield, West Virginia; Apparel; Men's Neckwear; 2 learners (75% of the applicable hourly minimum wage); October 28, 1941.

Gerson & Kaplan, 33 Artesian Street, Houston, Texas; Apparel; Wash Dresses; 5 percent (75% of the applicable hourly minimum wage); April 28, 1942.

Gluck and Cohen, 136 Madison Avenue, New York, New York; Apparel; Ladies' Slips; 10 learners (75% of the applicable hourly minimum wage); August 4, 1941.

The Hercules Trouser Company, Wellston, Ohio; Apparel; Pants; 50 learners (75% of the applicable hourly minimum wage); August 11, 1941.

The O. L. Hinds Company, 167 St. Paul Street, Burlington, Vermont; Apparel; Children's Outerwear; 5 learners (75% of the applicable hourly minimum wage); April 28, 1942.

Hostess Frocks, Inc., 45 East John Street, Hicksville, Long Island, New York; Apparel; Dresses; 14 learners (75% of the applicable hourly minimum wage); August 11, 1941.

Hunter-Thomas, Inc., Tupelo, Mississippi; Apparel; Shirts; 5 learners (75% of the applicable hourly minimum wage); April 28, 1942.

J. W. Jackson & Sons, Inc., 546 South Meridian Street, Indianapolis, Indiana; Apparel; Coveralls, White Overalls; 1 learner (75% of the applicable hourly minimum wage); April 28, 1942.

Kline-Meyers Manufacturing Company, Inc., 340 East Boundary Avenue, York, Pennsylvania; Apparel; Shirts; 5 percent (75% of the applicable hourly minimum wage); April 28, 1942.

Klinkerfues Brothers Company, 901-7 East Seventh Street, St. Paul, Minnesota; Apparel; Men's & Boys' Jackets, Women's & Children's Snowsuits; 15 learners (75% of the applicable hourly minimum wage); August 25, 1941.

LaFacile Corset Company, Inc., 157 Homer Avenue, Cortland, New York; Apparel; Custom Corsets; 3 learners (75% of the applicable hourly minimum wage); April 28, 1942.

Lamm Brothers, Inc., 311-313 North Exeter Street, Baltimore, Maryland; Apparel; Trousers, Coats; 10 learners (75% of the applicable hourly minimum wage); April 28, 1942.

Lehigh Valley Shirt Company, Inc., 428 Union Street, Allentown, Pennsylvania; Apparel; Shirts; 5 percent (75% of the applicable hourly minimum wage); April 28, 1942.

Liondale Shirt Corporation, State and Clay Streets, Paterson, New Jersey; Apparel; Men's Shirts; 5 percent (75% of the applicable hourly minimum wage); April 28, 1942.

A. Marks & Sons, 700-710 West Jackson Boulevard, Chicago, Illinois; Apparel; Clothing Accessories; 5 learners (75% of the applicable hourly minimum wage); April 28, 1942.

Neatform Company, Inc., 635 Sixth Avenue, New York, New York; Apparel; Corsets, Brassieres, Girdles, Corsettes; 5 percent (75% of the applicable hourly minimum wage); July 21, 1941.

Night Comfort, Inc., 75 East Pottsville Street, Pine Grove, Pennsylvania; Apparel; Shirts & Sleeping Wear; 7 learners (75% of the applicable hourly minimum wage); August 11, 1941.

Ozone Sportswear Company, 94-24 88th Street, Ozone Park, New York; Apparel; Infants' Outerwear; 5 learners (75% of the applicable hourly minimum wage); April 28, 1942.

Panara Brothers, Camden Street, Rockland, Maine; Apparel; Bathrobes & Lounging Jackets; 24 learners (75% of the applicable hourly minimum wage); August 25, 1941.

Mitchel Schneider Company, Inc., 50 West 19th Street, New York, New York; Apparel; Underwear, Nightwear; 92 learners (75% of the applicable hourly minimum wage); August 25, 1941.

Shapiro & Gottlieb, 602 Driggs Avenue, Brooklyn, New York; Apparel; Ladies' Brassieres; 2 learners (75% of the applicable hourly minimum wage); July 21, 1941.

Shelby Manufacturing Company, 660 East Jackson Street, Shelbyville, Indiana; Apparel; Ladies' Cotton Wash Dresses; 30 learners (75% of the applicable hourly minimum wage); August 25, 1941.

Smith Company, 15 East 30th Street, New York, New York; Apparel; Nightgowns; 5 learners (75% of the applicable hourly minimum wage); July 21, 1941.

Stoughton Sportswear Manufacturing, Inc., S. Water & Jefferson Street, Stoughton, Wisconsin; Apparel; Women's Sportswear; 15 learners (75% of the applicable hourly minimum wage); September 15, 1941.

Studio Sport Modes, 127 East Ninth Street, Los Angeles, California; Apparel; Slack Suits; 5 learners (75% of the applicable hourly minimum wage); April 28, 1942.

Jack Tobin, Hillcrest Road, Mantua, New Jersey; Apparel; Children's Dresses; 15 learners (75% of the applicable hourly minimum wage); August 25, 1941.

Tree-O Sportswear, 332 South Broadway, Los Angeles, California; Apparel; Sportswear and Odd Outerwear; 3 learners (75% of the applicable hourly minimum wage); April 28, 1942.

United Mills, Inc., Mt. Gilead, North Carolina; Apparel; Ladies' Slips; 23 learners (75% of the applicable hourly minimum wage); August 11, 1941.

Williamsport Underwear Mills, Inc., 1306 Memorial Avenue, Williamsport, Pennsylvania; Apparel; Slips, Dresses, Housecoats; 34 learners (75% of the applicable hourly minimum wage); August 11, 1941.

Woolrich Woolen Mills, Avis, Pennsylvania; Apparel; Dress & Work Shirts, Coats, Sportswear, Single Pants; 5 learners (75% of the applicable hourly minimum wage); April 28, 1942.

Crocetta Brothers and Company, Inc., 138 North Arlington Avenue, Gloversville, New York; Gloves; Leather Dress Gloves; 5 learners; October 28, 1941.

Thomas Donlon Glove Shop, South Washington Street, Herkimer, New York; Gloves; Leather Dress Gloves; 10 learners; October 28, 1941.

Picardy Mills, Inc., 29 West 35th Street, New York, New York; Gloves; Knit Fabric Gloves; 16 learners; October 28, 1941.

Scotsmoor Company, Inc., 29 North Market Street, Johnstown, New York; Gloves; Knit Wool Gloves; 10 percent; October 28, 1941.

Wells Lamont Smith Corporation, Louisiana, Missouri; Gloves; Work Gloves; 40 learners; October 28, 1941.

Arcadia Hosiery Company, Fifth Street & Maple Avenue, Lansdale, Pennsylvania; Hosiery; Full Fashioned Hosiery; 5 percent; April 23, 1942.

C. C. Hill Mills, Reid Street, Thomasville, North Carolina; Hosiery; Seamless Hosiery; 13 learners; December 28, 1941.

Grey Hosiery Mills, Goodson Street, Bristol, Virginia; Hosiery; Seamless & Full Fashioned Hosiery; 15 learners; December 28, 1941.

Hagerstown Hosiery Company, Inc., West Antietam Street, Hagerstown, Maryland; Hosiery; Seamless Hosiery; 5 learners; April 28, 1942.

Holeproof Hosiery Company, Rose Lane Street, Marietta, Georgia; Hosiery; Seamless Hosiery; 5 percent; April 28, 1942.

J. W. Landenberger & Company, Castor Avenue at Kensington Avenue, Philadelphia, Pennsylvania; Hosiery; Seamless Hosiery; 5 percent; April 28, 1942.

Mountain Hosiery Mills, Englewood, Tennessee; Hosiery; Seamless Hosiery; 10 learners; December 26, 1941.

Murray Hosiery Mills, Inc., Murray, Kentucky; Hosiery; Seamless Hosiery; 5 learners; October 28, 1941.

S & F Hosiery Mills, Inc., Dayton, Tennessee; Hosiery; Full Fashioned Hosiery; 30 learners; October 28, 1941.

Ace Undergarment Company, 255 Classon Avenue, Brooklyn, New York; Knitted Wear; Knitted Underwear; 2 learners; July 28, 1941.

Cacoosing Knitting Company, Inc., 301-303 South Hull Street, Sinking Spring, Pennsylvania; Knitted Wear; Knitted Underwear; 5 learners; April 28, 1942.

Mohnton Knitting Mills, Inc., Mohn-ton, Pennsylvania; Knitted Wear; Knit Underwear; 5 learners; April 28, 1942.

Undi-Klad Manufacturing Company, 502 South Wells Street, Chicago, Illinois; Knitted Wear; Knit Underwear; 5 learners; April 28, 1942.

J. & A. Young, Inc., 73 Stone Avenue, Brooklyn, New York; Knitted Wear; Knitted Outerwear; 6 learners; August 25, 1941.



The Carpenter Manufacturing Company, 76 Mechanic Street, Norwich, Connecticut; Textile; Tinsel Ribbons, Tinsel Cords; 3 learners; April 28, 1942.

Duplan Silk Corporation, Berwick, Pennsylvania; Textile; Cotton, Silk, Rayon, Wool & Synthetic; 7 learners; September 15, 1941.

Raucher Manufacturing Company, 25 Seventh Street, Norwich, Connecticut; Textile; Cotton Cords; 2 learners; July 28, 1941.

Signed at Washington, D. C., this 28th day of April 1941.

HAROLD STEIN,  
Authorized Representative of  
the Administrator.

[F. R. Doc. 41-3112; Filed, April 28, 1941;  
11:51 a. m.]

### FEDERAL POWER COMMISSION.

[Docket No. G-177]

IN THE MATTER OF CAMDEN GAS CORPORATION V. ARKANSAS LOUISIANA GAS COMPANY

ORDER DIRECTING SERVICE OF TRIAL EXAMINER'S REPORT, PERMITTING FILING OF EXCEPTIONS THERETO, AND FIXING DATE FOR ORAL ARGUMENT

APRIL 25, 1941.

Upon consideration of the record in the above-entitled matter and the report filed herein by the Trial Examiner, the Commission orders that:

(1) A copy of said report of the Trial Examiner shall forthwith be served by the Secretary upon the complainant, the Camden Gas Corporation, and upon the respondent, the Arkansas Louisiana Gas Company;

(2) On or before May 10, 1941, complainant and respondent shall respectively show cause, in a statement of exceptions or objections setting forth in detail the reasons, factual or legal, why the Commission should not adopt an order in conformity with the findings and conclusions set forth in said Trial Examiner's report;

(3) On May 15, 1941, oral argument be heard by the Commission sitting *en banc*, at 9:45 a. m., in the Hearing Room of the Commission, 1800 Pennsylvania Avenue NW., Washington, D. C., upon the issues presented by this order and the responses filed pursuant thereto.

By the Commission.

[SEAL] LEON M. FUQUAY,  
Secretary.

[F. R. Doc. 41-3092; Filed, April 28, 1941;  
9:55 a. m.]

[Docket Nos. G-202 and G-203]

IN THE MATTER OF MEMPHIS NATURAL GAS COMPANY

ORDER POSTPONING HEARING

APRIL 25, 1941.

It appearing to the Commission that:

(a) On April 8, 1941, Memphis Natural Gas Company filed with the Commission a petition requesting postponement of the hearing herein heretofore set for May 1, 1941, by the Commission's respective orders of March 11 and March 25, 1941;

(b) On April 16, 1941, Memphis Natural Gas Company filed a stipulation in which it agreed that in the event the hearing herein be postponed from May 1, 1941, to July 1, 1941, then in consideration therefor the period of suspension of Memphis Natural Gas Company Supplement No. 1 to Supplement No. 1 to Rate Schedule FPC No. 2 shall be extended from September 21, 1941, to November 21, 1941, and the period of suspension of Memphis Natural Gas Company Supplement No. 1 to Supplement No. 2 to Rate Schedule FPC No. 3 shall be extended from August 17, 1941, to October 17, 1941;

(c) Good cause exists for the postponement of the hearing herein from May 1, 1941, to July 1, 1941;

The Commission orders that:

(A) The public hearing in this matter heretofore scheduled for May 1, 1941, at 9:30 a. m., in the hearing room of the Federal Power Commission, 1800 Pennsylvania Avenue NW., Washington, D. C., be and it hereby is postponed to July 1, 1941, at 9:45 a. m., at the same place;

(B) The Commission's order of March 11, 1941, in Docket No. G-202, with respect to paragraph "(B)" of the ordering clause, shall be amended to read as follows:

(B) Pending such hearing and decision thereon, the schedule of increased rates or charges contained in said Supplement No. 1 to Supplement No. 2 to Rate Schedule FPC No. 3, except insofar as they may provide for the sale of natural gas for resale for ultimate public consumption for industrial use, be and it is hereby suspended until October 17, 1941, or until such time thereafter as said Schedule shall have been made effective in the manner prescribed by section 4 (e) of the Natural Gas Act;

(C) The Commission's order of March 25, 1941, in Docket No. G-203, with respect to paragraph "(B)" of the ordering clause, shall be amended to read as follows:

(B) Pending such hearing and decision thereon, the schedule of increased rates or charges contained in said Supplement No. 1 to Supplement No. 1 to

Rate Schedule FPC No. 2, except insofar as they may provide for the sale of natural gas for resale for ultimate public consumption for industrial use, be and it is hereby suspended until November 21, 1941, or until such time thereafter as said Schedule shall have been made effective in the manner prescribed by section 4 (e) of the Natural Gas Act:

(D) The said orders of March 11 and March 25, 1941, respectively, except as modified herein, shall remain and continue in full force and effect.

By the Commission.

[SEAL] LEON M. FUQUAY,  
Secretary.

[F. R. Doc. 41-3093; Filed, April 28, 1941;  
9:55 a. m.]

[Docket No. IT-5642]

IN THE MATTER OF NORTHWESTERN ELECTRIC COMPANY

ORDER CONTINUING ARGUMENT

APRIL 26, 1941.

It appearing to the Commission that: An informal application has been made by counsel for respondent and intervenor herein for a continuance of the oral argument heretofore set by order of this Commission of April 18, 1941, to be held before the Commission, *en banc*, on April 30, 1941;

The Commission finds that: Good cause exists for such continuance;

The Commission orders that: Said oral argument be and the same is hereby continued to May 21, 1941, at 9:45 a. m., in the Hearing Room of the Commission, 1800 Pennsylvania Avenue NW., Washington, D. C.

By the Commission.

[SEAL] LEON M. FUQUAY,  
Secretary.

[F. R. Doc. 41-3113; Filed, April 28, 1941;  
11:52 a. m.]

### FEDERAL TRADE COMMISSION.

[Docket No. 4188]

IN THE MATTER OF WHITEWATER BREWING COMPANY, A CORPORATION, AND ALEX WEINGART, INDIVIDUALLY AND AS MANAGER OF WHITEWATER BREWING COMPANY

ORDER APPOINTING TRIAL EXAMINER AND FIXING TIME AND PLACE FOR TAKING TESTIMONY

At a regular session of the Federal Trade Commission, held at its office in the City of Washington, D. C., on the 24th day of April, A. D. 1941.

This matter being at issue and ready for the taking of testimony, and pursuant to authority vested in the Federal Trade Commission, under an Act of Con-



gress (38 Stat. 717; 15 U.S.C.A., section 41).

*It is ordered*, That Charles A. Vilas, a trial examiner of this Commission, be and he hereby is designated and appointed to take testimony and receive evidence in this proceeding and to perform all other duties authorized by law;

*It is further ordered*, That the taking of testimony in this proceeding begin on Wednesday, May 7, 1941, at ten o'clock in the forenoon of that day (central standard time) in Room 425, New Post Office Building, 433 West Van Buren Street, Chicago, Illinois.

Upon completion of testimony for the Federal Trade Commission, the trial examiner is directed to proceed immediately to take testimony and evidence on behalf of the respondent. The trial examiner will then close the case and make his report upon the evidence.

By the Commission.

[SEAL] OTIS B. JOHNSON,  
Secretary.

[F. R. Doc. 41-3073; Filed, April 25, 1941;  
1:26 p. m.]

[Docket No. 4225]

IN THE MATTER OF SCHMIDT BREWING  
COMPANY, A CORPORATION

ORDER APPOINTING TRIAL EXAMINER AND  
FIXING TIME AND PLACE FOR TAKING TESTI-  
MONY

At a regular session of the Federal Trade Commission, held at its office in the City of Washington, D. C., on the 24th day of April, A. D. 1941.

This matter being at issue and ready for the taking of testimony, and pursuant to authority vested in the Federal Trade Commission, under an Act of Congress (38 Stat. 717; 15 U.S.C.A., section 41).

*It is ordered*, That Charles A. Vilas, a trial examiner of this Commission, be and he hereby is designated and appointed to take testimony and receive evidence in this proceeding and to perform all other duties authorized by law;

*It is further ordered*, That the taking of testimony in this proceeding begin on Friday, May 9, 1941, at ten o'clock in the forenoon of that day (eastern standard time) in Hearing Room 921, Federal Building, Detroit, Michigan.

Upon completion of testimony for the Federal Trade Commission, the trial examiner is directed to proceed immediately to take testimony and evidence on behalf of the respondent. The trial examiner will then close the case and make his report upon the evidence.

By the Commission.

[SEAL] OTIS B. JOHNSON,  
Secretary.

[F. R. Doc. 41-3074; Filed, April 25, 1941;  
1:26 p. m.]

[Docket No. 4289]

IN THE MATTER OF E. R. DAVIS, AN INDI-  
VIDUAL TRADING UNDER THE NAME OF E.  
R. DAVIS PRESCRIPTION COMPANY

ORDER APPOINTING TRIAL EXAMINER AND FIX-  
ING TIME AND PLACE FOR TAKING TESTI-  
MONY

At a regular session of the Federal Trade Commission, held at its office in the City of Washington, D. C., on the 24th day of April, A. D. 1941.

This matter being at issue and ready for the taking of testimony, and pursuant to authority vested in the Federal Trade Commission, under an Act of Congress (38 Stat. 717; 15 U.S.C.A., section 41).

*It is ordered*, That William C. Reeves, a trial examiner of this Commission, be and he hereby is designated and appointed to take testimony and receive evidence in this proceeding and to perform all other duties authorized by law;

*It is further ordered*, That the taking of testimony in this proceeding begin on Wednesday, July 9, 1941, at ten o'clock in the forenoon of that day (pacific standard time) in Superior Court Room, Court House, Bellingham, Washington.

Upon completion of testimony for the Federal Trade Commission, the trial examiner is directed to proceed immediately to take testimony and evidence on behalf of the respondent. The trial examiner will then close the case and make his report upon the evidence.

By the Commission.

[SEAL] OTIS B. JOHNSON,  
Secretary.

[F. R. Doc. 41-3075; Filed, April 25, 1941;  
1:26 p. m.]

SECURITIES AND EXCHANGE COM-  
MISSION.

[File No. 70-290]

IN THE MATTER OF INDUSTRIAL GAS  
CORPORATION

ORDER GRANTING APPLICATION

At a regular session of the Securities and Exchange Commission held at its office in the City of Washington, D. C. on the 24th day of April, A. D. 1941.

Industrial Gas Corporation, a subsidiary of National Gas & Electric Corporation, a registered holding company, having filed an application and amendments thereto pursuant to the Public Utility Holding Company Act of 1935, particularly section 10 thereof, regarding the proposed transfer by Gas Producing Company of Ohio and The Industrial Gas Company, all of whose outstanding securities are owned by National Gas & Electric Corporation, of all of their assets, subject to liabilities, to Industrial Gas Corporation, a new company formed to acquire said assets, in consideration of the issuance of 6,460 shares of its

capital stock, \$100 par value; following which Gas Producing Company of Ohio and The Industrial Gas Company will be dissolved;

Said application having been filed on March 29, 1941, and an amendment thereto having been filed on April 11, 1941, and notice of said filing having been duly given in the form and manner prescribed by Rule U-8 under said Act, and the Commission not having received a request for a hearing with respect to said application within the period specified in said notice, or otherwise, and not having ordered a hearing thereon;

Industrial Gas Corporation having requested that said application, as amended, be granted as soon as possible; and

The Commission finding with respect to such application under section 10 that no adverse findings are necessary under section 10 (b) and section 10 (c) (1) of said Act and that the transaction involved has the tendency required by section 10 (c) (2) of said Act; and being satisfied that the date of granting said application, as amended, should be advanced;

*It is hereby ordered*, Pursuant to said Rule U-8 and the applicable provisions of said Act and subject to the terms and conditions prescribed in Rule U-9 that the aforesaid application, as amended, be and the same is hereby granted forthwith.

By the Commission, Commissioner Healy dissenting for the reasons stated in his memorandum of April 1, 1940.

[SEAL] FRANCIS P. BRASSOR,  
Secretary.

[F. R. Doc. 41-3068; Filed, April 26, 1941;  
11:39 a. m.]

[File No. 56-78]

IN THE MATTER OF CHARLES TRUE ADAMS,  
TRUSTEE OF THE ESTATE OF UTILITIES  
POWER & LIGHT CORPORATION AND FRANK  
J. LEWIS

ORDER FOR SUBSTITUTION, CONSENTING TO  
WITHDRAWAL OF APPLICATION, AND DIS-  
MISSING APPLICATION

At a regular session of the Securities and Exchange Commission, held at its office in the City of Washington, D. C., on the 25th day of April, A. D. 1941.

Charles True Adams, Trustee of the Estate of Utilities Power & Light Corporation, having filed on January 19, 1940 and thereafter amended an application pursuant to Rule U-12D-1 promulgated under the Public Utility Holding Company Act of 1935 for approval of the sale to Frank J. Lewis of said estate's holdings of stock and debt of Central States Utilities Corporation and Central States Power & Light Corporation as provided in a certain contract entered into between said trustee and said Frank J. Lewis; and



Said Frank J. Lewis having filed, on February 6, 1940 and thereafter amended, an application pursuant to section 10 (a) (1) of said Act for approval of the acquisition by him of said holdings of stock and debt; and

Ogden Corporation as successor in reorganization to Utilities Power & Light Corporation having succeeded on or about April 6, 1940 to the ownership of such holdings of stock and debt and to the rights and obligations of said trustee under said contract; and

Ogden Corporation having filed on July 20, 1940 an application pursuant to said rule for approval of the sale by it of such holdings of stock and debt to the said Frank J. Lewis as provided in said contract and having requested in such application that it be substituted as applicant in the place and stead of said trustee; and

Ogden Corporation having filed with this Commission, on October 23, 1940, a letter stating that it desired to and did thereby withdraw the application for approval of such sale, but no order consenting to such withdrawal having been entered by this Commission; and

Said Frank J. Lewis, by his counsel, having advised this Commission in writing that he was unwilling to withdraw the application filed by him for approval of such acquisition;

Said Frank J. Lewis having thereafter filed an application to intervene in a proceeding entitled "In the Matter of Central States Power & Light Corporation" and having file numbers 70-245 and 70-266 to contend that this Commission should pass upon the application filed by him for approval of such acquisition before passing upon the declarations involved in such proceeding having file numbers 70-245 and 70-266;

The Commission having heard argument on such application to intervene and having duly rendered its findings and opinion thereon holding such application for approval of such acquisition has become moot;

It appearing to the Commission that the before mentioned request of Ogden Corporation for substitution should be granted, that no circumstances exist which would justify the withholding of consent by the Commission to withdrawal of the application for approval of the sale, and, that the application for approval of the acquisition should be dismissed without prejudice;

*It is ordered*, That the before mentioned application by Ogden Corporation for approval of such sale be and it hereby is substituted as of July 20, 1940 in the place and stead of the before mentioned application filed by said trustee;

*It is further ordered*, That consent is hereby given to the withdrawal of such application for approval of such sale;

*It is further ordered*, That such application for approval of such acquisition be

and it hereby is dismissed without prejudice.

By the Commission.

[SEAL] FRANCIS P. BRASSOR,  
Secretary.

[F. R. Doc. 41-3087; Filed, April 26, 1941;  
11:39 a. m.]

[File Nos. 70-245, 70-266]

IN THE MATTER OF CENTRAL STATES POWER  
& LIGHT CORPORATION

ORDER DENYING APPLICATION TO INTERVENE

At a regular session of the Securities and Exchange Commission, held at its office in the City of Washington, D. C., on the 25th day of April, A. D. 1941.

Frank J. Lewis having applied for leave to intervene as a party in this proceeding, Central States Power & Light Corporation, the declarant herein, having objected to such intervention, and oral argument having been had before the Commission;

The Commission having duly considered the matter and having issued its Findings and Opinion with respect thereto;

*It is ordered*, That such application of Frank J. Lewis to intervene as a party in this proceeding be, and hereby is, denied.  
By the Commission.

[SEAL] FRANCIS P. BRASSOR,  
Secretary.

[F. R. Doc. 41-3085; Filed, April 26, 1941;  
11:38 a. m.]

[File Nos. 70-254, 70-267]

IN THE MATTER OF CENTRAL STATES  
POWER & LIGHT CORPORATION

ORDER DENYING APPLICATION TO INTERVENE

At a regular session of the Securities and Exchange Commission held at its office in the City of Washington, D. C., on the 25th day of April, A. D. 1941.

Frank J. Lewis having applied for leave to intervene as a party in this proceeding, and Central States Power & Light Corporation, the declarant herein, having objected to such intervention;

It appearing to the Commission that the issues raised by said application are substantially the same as those discussed by the Commission in its Findings and Opinion on Application to Intervene in the proceeding entitled In the Matter of Central States Power & Light Corporation, File Nos. 70-245 and 70-266, Order dated April 25, 1941.

*It is ordered*, That the application of Frank J. Lewis to intervene as a party in this proceeding be, and hereby is, denied.  
By the Commission.

[SEAL] FRANCIS P. BRASSOR,  
Secretary.

[F. R. Doc. 41-3086; Filed, April 26, 1941;  
11:38 a. m.]

[File No. 70-255]

IN THE MATTER OF TRUSTEES, ASSOCIATED  
GAS AND ELECTRIC CORPORATION, ASSO-  
CIATED UTILITIES CORPORATION, NORTH-  
EASTERN WATER COMPANIES, INC.

ORDER GRANTING APPLICATIONS AND PERMIT-  
TING DECLARATION TO BECOME EFFECTIVE

At a regular session of the Securities and Exchange Commission held at its office in the City of Washington, D. C., on the 25th day of April, A. D. 1941.

Denis J. Driscoll and Dr. Willard L. Thorp, Trustees of Associated Gas and Electric Corporation, and Associated Utilities Corporation and Northeastern Water Companies, Inc., all registered holding companies, having filed various applications and a declaration, and amendments thereto, pursuant to sections 7, 10, and 12 of the Public Utility Holding Company Act of 1935, with regard to various transactions tending towards the liquidation and dissolution of Northeastern Water Companies, Inc., and including specifically such transactions as are specified in the opinion attached hereto; and

A public hearing having been held, after appropriate notice, the Commission having completed the record in this matter and having made and filed its opinion herein;

*It is ordered*, That said applications, as amended, and the same are hereby granted, and that said declaration, as amended, and the same hereby is permitted to become effective forthwith, subject, however, to the terms and conditions described in Rule U-24.

By the Commission.

[SEAL] FRANCIS P. BRASSOR,  
Secretary.

[F. R. Doc. 41-3089; Filed, April 26, 1941;  
11:39 a. m.]

[File No. 70-279]

IN THE MATTER OF SYSTEM PROPERTIES, INC.

ORDER PERMITTING DECLARATION TO BECOME  
EFFECTIVE

At a regular session of the Securities and Exchange Commission held at its office in the City of Washington, D. C., on the 25th day of April, A. D. 1941.

The above-named party having filed an application pursuant to section 6 (b) of the Public Utility Holding Company Act of 1935 and in the alternative a declaration pursuant to section 7 of said Act regarding the proposed borrowing by System Properties, Inc. from The First National Bank of Boston the sum of \$300,000 on or before April 30, 1941, the obligation for which is to be represented by a promissory note of System Properties, Inc. dated as of the date of borrowing, payable \$25,000 six months after its date and \$25,000 each six months thereafter until final maturity and the unpaid



balance maturing five years after its date, said note to bear interest at the rate of 2 3/4 % per annum payable semi-annually and to be secured by an assignment of rents due and to become due to System Properties, Inc. under certain leases covering properties now owned by it and the proceeds of said proposed borrowing will be used for the purpose of providing in part the cash required to meet the presently outstanding promissory note of System Properties, Inc. in the principal amount of \$320,000 due April 30, 1941; and

Said application and declaration having been filed on March 19, 1941 and an amendment thereto having been filed on April 23, 1941; and

Notice of said filing having been duly given in the form and manner prescribed by Rule U-8 promulgated pursuant to said Act and the Commission not having received a request for a hearing with respect to said application and declaration within the period specified in said notice, or otherwise, and not having ordered a hearing thereon; and

The above-named party having requested that the Commission advance the date of granting said application or of permitting said declaration to become effective; and

The Commission finding with respect to said declaration, as amended, under section 7 of the Act that the requirements of section 7 (c) of said Act are satisfied and that no adverse findings under section 7 (d) of said Act are necessary, and being satisfied that the date of permitting such declaration to become effective, as amended, should be advanced:

*It is hereby ordered*, Pursuant to said Rule U-8 and the applicable provisions of said Act and subject to the terms and conditions prescribed in Rule U-9, that the aforesaid declaration, as amended, be and hereby is permitted to become effective forthwith.

By the Commission, Commissioner Healy dissenting for the reasons stated in his memorandum of April 1, 1940.

[SEAL] FRANCIS P. BRASSOR,  
Secretary.

[F. R. Doc. 41-3084; Filed, April 26, 1941;  
11:38 a. m.]

IN THE MATTER OF GEO. W. BYRON, DOING  
BUSINESS AS GEO. W. BYRON & CO., 1222  
ARTHUR AVE., RACINE, WISCONSIN

FINDINGS AND ORDER DENYING APPLICATION  
FOR REGISTRATION

At a regular session of the Securities and Exchange Commission, held at its office in the City of Washington, D. C., on the 23d day of April, A. D. 1941.

Appearances: Lester I. Bowman and F. Joseph Butler, of the Chicago Regional Office of the Commission.

Geo. W. Byron, *pro se*.

Pursuant to an order of the Commission dated March 18, 1941, and notice served upon the applicant, the hearing in this matter was held before a trial ex-

aminer in Chicago, Illinois, on March 28, 1941. The hearing was ordered to determine whether the applicant had wilfully violated section 17 (a) of the Securities Act of 1933 and section 15 (c) (1) of the Securities Exchange Act of 1934 and, if so, whether it is in the public interest to deny his application for registration as an over-the-counter broker-dealer.

The order for hearing stated that a preliminary investigation revealed facts indicating that during the period from December 1, 1938, to the date of the order, the applicant, as agent, had purchased securities for the accounts of various customers and had falsely represented to such customers the prices at which such purchases had been effected, thereby obtaining secret profits, and that during the same period applicant, in certain transactions, acted as agent for both buyer and seller but did not disclose to the buyer the fact that he was also acting as agent for, and receiving a commission from, the seller.

In a document which has been made a part of the record herein, the applicant acknowledged notice of the proceeding and admitted the existence of facts which were the basis of the aforesaid allegations in the Commission's order for hearing. This document describes 18 different transactions in which applicant engaged in the activities noted above.

The trial examiner found that the applicant wilfully violated section 17 (a) of the Securities Act of 1933 and section 15 (c) (1) of the Securities Exchange Act of 1934 and that it is in the public interest to deny his application for registration. Upon an independent review of the record, we adopt these findings of the trial examiner.

*It is ordered*, Pursuant to section 15 (b) of the Securities Exchange Act of 1934, that the application for registration as an over-the-counter broker-dealer of Geo. W. Byron, doing business as Geo. W. Byron & Co., be and it hereby is denied.

By the Commission (Chairman Eicher and Commissioners Healy, Henderson and Pike), Commissioner Frank being absent and not participating.

[SEAL] FRANCIS P. BRASSOR,  
Secretary.

[F. R. Doc. 41-3104; Filed, April 28, 1941;  
11:33 a. m.]

[File No. 31-84]

IN THE MATTER OF INTERNATIONAL UTILITIES CORPORATION, AND DOMINION GAS AND ELECTRIC COMPANY

ORDER EXTENDING EXEMPTION FOR LIMITED PERIOD

At a regular session of the Securities and Exchange Commission, held at its office in the City of Washington, D. C., on the 25th day of April, A. D. 1941.

International Utilities Corporation and Dominion Gas and Electric Company having made application for exemption

of Dominion Gas and Electric Company as a holding company pursuant to the provisions of section 3 (a) (5) of the Public Utility Holding Company Act of 1935, and said companies having also made application pursuant to section 3 (b) of said Act for an order exempting Dominion Gas and Electric Company and its subsidiary companies from the provisions of the Act applicable to them as subsidiary companies of International Utilities Corporation, a registered holding company; and

The Commission on the 13th day of April, 1939, having made and entered an order exempting Dominion Gas and Electric Company from all those provisions of the Public Utility Holding Company Act of 1935 which would require it to register under said Act because of its directly or indirectly owning, controlling, or holding with power to vote 10% or more of the outstanding voting securities of Canadian Western Natural Gas Light, Heat and Power Company, Limited; Northwestern Utilities, Limited; and Canadian Utilities, Limited; and also exempting Dominion Gas and Electric Company; Canadian Western Natural Gas, Light, Heat and Power Company, Limited; Northwestern Utilities, Limited; Canadian Utilities, Limited, and other non-utility subsidiaries to the extent specified from certain provisions of the Act applicable to them as subsidiary companies of International Utilities Corporation, a registered holding company;

The said order further providing that the exemptions therein granted shall expire December 31, 1940, without prejudice to the right of International Utilities Corporation and Dominion Gas and Electric Company to apply on behalf of themselves and the subsidiary companies of Dominion Gas and Electric Company for an extension of the time in which such order shall be effective; and

International Utilities Corporation and Dominion Gas and Electric Company having filed on the 10th day of December, 1940, an amendment to the application aforesaid requesting that the exemptions heretofore granted by the Commission be extended for a further period beyond December 31, 1940; and

The Commission having, by orders dated December 27, 1940, January 25, 1941, March 14, 1941, and March 31, 1941, extended the exemptions granted to Dominion Gas and Electric Company and its subsidiaries by order of the Commission dated April 13, 1939, so that the same shall expire on April 30, 1941; and

The Commission desiring to give further consideration to the aforesaid amended application and deeming it not detrimental to the public interest or the interest of investors or consumers that the aforesaid exemptions be further extended for a limited additional period;

*It is therefore ordered*, That the exemptions granted to Dominion Gas and Electric Company and its subsidiaries by order of this Commission dated April 13, 1939, as extended by orders of this Com-



mission dated December 27, 1940, January 25, 1941, March 14, 1941, and March 31, 1941, be and the same hereby are further extended so that the same shall expire on June 1, 1941.

By the Commission.

[SEAL] FRANCIS P. BRASSOR,  
Secretary.

[F. R. Doc. 41-3105; Filed, April 28, 1941;  
11:34 a. m.]

[File No. 31-417]

IN THE MATTER OF CONSOLIDATED ELECTRIC  
AND GAS COMPANY

ORDER TEMPORARILY EXTENDING EXEMPTION

At a regular session of the Securities and Exchange Commission held at its office in the City of Washington, D. C., on the 25th day of April, A. D. 1941.

Consolidated Electric and Gas Company, a registered holding company, having made application for an extension of the exemption, expiring December 31, 1940, granted certain of its foreign subsidiaries by order of the Commission dated February 2, 1939, pursuant to section 3 (b) of the Public Utility Holding Company Act of 1935, from certain provisions of said Act applicable to them as subsidiaries of a registered holding company, and the Commission having, by orders dated December 27, 1940, January 25, 1941, and March 14, 1941, extended such exemption until May 1, 1941.

The Commission having requested certain additional information with regard to the aforesaid application, which in-

formation has not as yet been furnished, but deeming it not detrimental to the public interest or the interest of investors or consumers to grant a further temporary extension of the time during which such order of exemption shall be effective;

*It is therefore ordered*, That the time during which such order of exemption shall be effective be, and hereby is, extended until August 1, 1941.

By the Commission.

[SEAL] FRANCIS P. BRASSOR,  
Secretary.

[F. R. Doc. 41-3103; Filed, April 28, 1941;  
11:33 a. m.]

[File No. 70-297]

IN THE MATTER OF EBASCO SERVICES, INCORPORATED

ORDER PERMITTING DECLARATION TO BECOME  
EFFECTIVE

At a regular session of the Securities and Exchange Commission held at its office in the City of Washington, D. C., on the 25th day of April, A. D. 1941.

Ebasco Services, Incorporated, a subsidiary of Electric Bond and Share Company, having filed a declaration pursuant to the Public Utility Holding Company Act of 1935, particularly section 12 (c) thereof and Rule U-12C-1 promulgated thereunder, regarding the reduction of its working capital in the amount of \$510,000, to be effected by Electric Bond and Share Company surrendering 5,100 shares of the capital stock of Ebasco

Services, Incorporated, and receiving therefore \$510,000 in cash;

Said declaration having been filed on April 7, 1941, and notice of said filing having been duly given in the form and manner prescribed by Rule U-8, and the Commission not having received a request for a hearing in respect of said declaration within the period specified in said notice, or otherwise, and not having ordered a hearing thereon; and the above named party having requested that said declaration be permitted to become effective not later than April 25, 1941; and

The Commission deeming it appropriate in the public interest and in the interest of investors and consumers to permit said declaration to become effective and finding with respect thereto that said transaction is not objectionable to the standards of said section or said rule, and being of the opinion that the date of its order with respect thereto should be advanced;

*It is hereby ordered*, Pursuant to said Rule U-8 and the applicable provisions of said Act and rules promulgated thereunder that the aforesaid declaration be and the same hereby is permitted to become effective forthwith; subject, however, to the terms and conditions prescribed in Rule U-9 promulgated under said Act.

By the Commission.

[SEAL] FRANCIS P. BRASSOR,  
Secretary.

[F. R. Doc. 41-3102; Filed, April 28, 1941;  
11:33 a. m.]



